

Islam und Politik

Marian Burchardt  
Ines Michalowski *Editors*

# After Integration

Islam, Conviviality and  
Contentious Politics in Europe



Springer VS

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# Islam und Politik

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Klaus Schubert

Institut für Politikwissenschaft, Westfälische Wilhelms-Universität, Münster, Germany

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Marian Burchardt • Ines Michalowski  
Editors

# After Integration

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Politics in Europe



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# Foreword

On the basis of the book “Islam und Politik” (Meyer/Schubert 2011), the SpringerVS Publishers Wiesbaden, asked me to produce a corresponding short book series. The aim and task are to take up the central questions and current discussions on this topic and to make the available social and political-scientific results accessible in concentrated form.

Although this book series concentrates on the German speaking market, this volume “After Integration: Islam, Conviviality and Contentious Politics in Europe”, edited by Marian Burchardt and Ines Michalowski, is published in English. On the one hand this is to reach a broader audience. But equally important this decision was made to attract highly qualified authors from many European countries. The book starts from the convincing assumption that the Muslim population and Islam religion is well established in Europe and “that on legal, political and organizational levels integration has already taken place”. This fresh and fact-oriented starting point allows the authors to demonstrate the plurality of theoretical approaches and to show the great many different realities of “Muslim life in Europe”. I am delighted that the editors succeeded in this form in bringing together numerous experts and great expertise to contribute to this volume.

Even if many colleagues feel pressured by the scientific community to write exclusively for “A list” journals, then the joint collaboration of this volume makes it clear that other scientific media also make an essential contribution to stimulating scientific communication and discussion. Accordingly both editors and the contributing authors are due the utmost respect and recognition.

Münster, Germany, spring 2014

Klaus Schubert

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## **Part I**

# **Theoretical Perspectives and Cross-National Comparison**



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# After Integration: Islam, Conviviality and Contentious Politics in Europe

Marian Burchardt and Ines Michalowski

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## 1 Introduction

Over the last two decades, scholarly literatures on Islam and Muslims in European societies have proliferated in unprecedented ways. These literatures mirror not only the widening of public interest in this topic amongst politicians, civil society players and European populations at large, which is evidenced in the institutionalization of debates on Islam in political life, judicial discourse, journalism and the infrastructures of new media.<sup>1</sup> They also reflect the growing space, which issues of Islam occupy outside the established disciplinary spheres of research on Islam as a religion (such as the sociology and anthropology of religion or religious studies). Thus, Islam has turned into a hot topic in political science, public policy research, migration studies, international relations and security studies. Some of these emerging literatures are characterized by a very presentist take on their object and are focused on very particular conflicts, often drawn from media discourse or legal dispute (Moors 2009; Spohn 2013).

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<sup>1</sup> There is a particular communicative sphere of critique of Islam, to a large extent overlapping with Islamophobic discourse, on the internet by way of blogging, twitter and related forms of interactive commentary.

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Against the backdrop of this increasing disciplinary complexity, this book has three major goals: First, it takes stock of the social, legal and political developments around Islam in Europe and does so by putting recent dynamics in the context of the *longer historical durée* of the presence of Muslims in Europe and the relationships of European societies with Muslim worlds. Second, the book approaches the topic not by taking and developing one particular theoretical perspective but by showcasing *the variety* of conceptual and theoretical possibilities.<sup>2</sup> And third, against the idea, circulating widely both in political and scholarly discourse, that the “integration of Islam” is something that still needs to be shouldered we begin with the assumption that Islam is in fact integrated on multiple levels but that integration has no teleology and no logical endpoint, neither in multicultural pluralist or assimilationist inclusion nor in hostile marginalization. Assuming that multiple mutual adaptations have already happened and that we therefore find ourselves beyond integration, the book directly proceeds by exploring these adaptations on two levels: first, it analyzes how European immigration societies and their institutions have responded to the settlement of Muslim immigrants, and how their incorporation has been facilitated, contested and negotiated. Second, the book focuses on how Islam and Muslim immigrant communities in Europe have adapted to the cultures and institutional structures of their host societies, or how they have resisted such changes. The contributors tackle these questions mainly from the perspectives of sociology, political science and migration studies.

In a recent volume on religious engagements in the age of pluralism, Pamela Klassen and Courtney Bender (2010, p. 2) suggest to “start with the understanding that modern practices of religion take place in the wake of this doctrine of pluralism, that is, *after pluralism* has become a widely recognized social ideal (...). Our goal”, they state, “is to examine the grounds on which religious difference is itself constructed as a problem that has pluralism as its solution.”<sup>3</sup> In similar ways, we suggest not only that integration is a widely upheld ideal but also that it has already happened, which allows us to explore the grounds on which Islam exists and is lived in European social landscapes that have already been reorganized according to the definitions of that notion, including the problems and solutions it came to signify. Significantly, *after integration* suggests, as a notion, to move beyond a perspective

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<sup>2</sup> Expressions and conflicts around Islam in Europe are discussed, for instance, in theoretical debates on multiculturalism (Baumann 2004; Vertovec and Wessendorf 2010), secularism and secularity (Casanova 2007; Wohlrab-Sahr and Burchardt 2012; Modood 2012; Modood & Levey 2009), and political opportunity structures (Fetzer and Soper 2005).

<sup>3</sup> Italics by us.

that merely and one-sidedly registers deficiencies in the ‘normalization’ of Muslim life in Europe and instead offer a more nuanced and realistic account.

In order to achieve this objective, we decided to divide the book into two parts: the first part consists of four theoretical chapters and assembles different conceptual and disciplinary angles as well as one comparative chapter. Two of these are sociological, with Jörg Hüttermann’s figurational analysis of struggles over hierarchy in multicultural societies, chiefly inspired by the work of Norbert Elias, and Matthias Koenig’s institutionalist comparative account of Muslim incorporation. The other two originate from political science, with Jonathan Laurence’s chapter that looks at Muslim mobilization and self-organization from an International Relations point of view and Marcel Maussen’s contribution on Islam, religious freedom and equality that adopts the perspective of normative legal theory. The second part of the book offers in-depth analyses and detailed readings of the dynamics around Muslim life in ten European countries, all of them written by scholars with wide ranges of interests and knowledge of the cases at hand.

Our goal in this introduction is to put the overall contemporary salience of questions concerning Islam into a broader historical context and to sketch some of the most important empirical tendencies as well as the conceptual approaches proposed to account for them. As a point of departure we agree with other scholars that much of the political and cultural dynamics around Islam in Europe have to do with contentions around the precise terms of Muslim participation in European societies after their passage from “sojourners to citizens” (Haddad 2002).

However, in this context we also note the complex parallelism of an expansion of Muslims’ rights and organizational and political incorporation on the one hand, and the rise of anti-Islamic populism on the other. There is both an advancing normalization of European Muslim life and a dramatization of Islamic identities and practices, nurtured from various sides, at the same time. With this volume we hope to show that the relationships between both trends varies dramatically depending on which aspect of social life one looks at.

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## 2 From Guest Workers to the *Homo Islamicus*: Carving out Religious Citizenship

In 1981, a German state-run television channel produced a feature on Islam for its evening news program. It focused on Muslim life in the declining industrial cities in the Rhenish rust belt and problematized the “lack of integration”, replete with concerns over ghettoization, radicalization, fundamentalism, the dangerous influence of Islamic preachers from abroad and so on (Karis 2013). More than 30 years

later, the scenario is strangely similar *and* completely different at the same time. On the one hand, some media-driven political discourses operate with the same folk-sociological vocabularies that stigmatize Islam as backward, anti-modern, alien and dangerous. On the other hand, the same German state of North Rhine-Westphalia on which the TV feature focused has introduced, in the meantime, state-sponsored Islamic education for students in secondary public schools. In addition, it has founded a *Centre of Islamic Theology* within the confines of a public university<sup>4</sup> offering BA programs in Islamic theology as training courses for Imams and an Islamic religious studies program to train teachers, which already after 2 years of its existence enjoy huge popularity.<sup>5</sup> In addition, in August 2012 the state of Hamburg signed official agreements with three Islamic as well as an Alevi association that regulate rights and duties thus putting them on equal institutional footing with Catholicism, Protestantism and Judaism.

Surely, this demonstrates that Islam is, in large measure, integrated in institutional terms. We will return to and develop this topic in greater detail in our comparative chapter (see Chap. 6). However, what is equally striking is the difference in public response between the early 1980s and today to the kind of news reporting on Islam sketched above. As media scholar Karis (2013) shows in his longitudinal analysis, in the early 1980s reporting about Turkish guest workers as *Muslims* did not strike a chord with wider popular sensibilities. Questions of religious identities and practices had no cultural resonance with people's concerns over migration and conviviality and hence no further political repercussions.

We suggest that the great transformation that explains the rise of discourses on *Islam as a religion* in Europe is the end of the cold war, which put an end to the primacy of class-based ideological fault-lines and the geopolitics of its global territorialization. In other words, it marks a particular instance of what Nancy Fraser (1995) called the shift from a politics of redistribution to one focused on recognition. Yet in the same context, we have seen the gradual replacement of ethnicity by religion as the primary category on which to base migrants' collective claims for recognition and social and political inclusion in the post-Cold War world. As neoliberal capitalism goes from one rebirth to the next and the great divisions of the bi-polar world between capitalism and communism have ultimately been reduced to a species of, more or less ephemeral, social movement politics, religion has turned into the prime category of globalized identity politics (Fraser 2009;

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<sup>4</sup> See <http://www.uni-muenster.de/ZIT/>.

<sup>5</sup> Altogether, the Centre for Islamic Theology received more than 1000 applications for its programs for the winter term in 2013, of which 240 could be accepted. There are now a total of 400 students (personal communication Dina El Omari, 9 January 2013).

Hervieu-Léger 2000). In other words, the constant reaffirmation of the renewed significance of religion in today's world is a direct corollary of the concomitant rise of neoliberal capitalism and of an identity politics, which views people first and foremost as cultured beings; especially as beings that have a religion and must be included in society on the basis of that religion; in the case of religions of salvation such as Islam and Christianity, on the surface, this usually implies that people are seen as constituted through their *chosen* (as opposed to ascribed) membership in a cultural community. It is often ignored that state and supra-state policies directed towards social inclusion through the promotion of religious diversity are principally inspired not only by concerns over the rights of minorities *per se*. While anti-discrimination policies are normatively warranted by liberal democratic values, an important goal of diversity promotion is indeed to make possible the circulation of labor for the greatest benefit of capital while recognizing that this labor sometimes comes with religious characteristics and needs that must be catered for in order to be incorporated. From this perspective, the political and legal promotion of religious diversity is thus a by-product of the transnationalization of labor markets.

These economic imperatives behind religious diversity are accompanied by the confluence of diverse culturalized strands of identity politics on the one hand (European Christian conservative, Islamic), and the rise of religion as a category of legal protection against discrimination in Western judicial politics and minority rights and Human Rights discourses more broadly, on the other. As claims in the name of religion have acquired greater legitimacy (see Koenig in this volume as well as the comparative Chap. 6), in religiously diverse liberal polities people are increasingly incited to understand themselves as religious beings and to construe their participation in society in terms accruing from religious membership.

Beaman (2013) calls this “the will to religion”, which should be analyzed in terms of “obligatory religious citizenship”. In a similar vein and with particular regard to Islam, Tezcan (2007) noted how religion is more and more conceptualized as a resource in liberal governmentality in an effort to secure social order. Such transformations can be observed in the practices of ‘government through community’ (2007, p. 59) and the rise of interreligious dialogues, which prefigure the shift from “race” to “faith” and are premised on the construction of a *Homo Islamicus* of sorts.<sup>6</sup> In order to understand these shifts, which run in parallel to the transformation of ‘community’ from natural spontaneous social units into a mode of governance, it is important to recall their links with the premises of liberal governmentality. “Individuals are to be governed through their freedom”, as Rose (1996, p. 41) noted from a Foucauldian perspective a while ago, “but neither as isolated atoms of clas-

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<sup>6</sup> On the British variant of this story see Schönwälder (2007).

sical political economy, nor as citizens of society, but as members of heterogeneous communities of allegiance.”

Yet within this heterogeneity, ‘religious’ communities and ways of belonging and being stand out, and it is the rise of Islam *as a religion* that most contributions to this volume put at the center of their analysis. Gianni D’Amato’s chapter analyses the changing identities of migrants in Switzerland and programmatically raises the question of “how migrants became Muslims”. Similar shifts in collective identification of Muslims, both by themselves and by the authorities that govern them through the shaping of their political and religious subjectivities, are traced in the chapters on France, the UK, the Netherlands and Denmark. Yet just whether such outwardly religious labels of identification are eventually understood as religious by people on the ground is not always clear. With regard to France, for instance, Arslan argues that Islam has to a large extent become an “identity shelter” that is also upheld by non-observant Muslims. The use of Islam as an identity shelter has to do with responses to perceived secularist attacks on Islam by the French laic state but also with generational dynamics amongst migrants, especially the second and third generation for whom Islam serves to mark their difference while the relationship to their countries of origin becomes ever more distant and instable. There are thus important question to be asked about the symbiotic rise of debates on Islam and on secularism.

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### 3 Is there a Secularist Backlash in Europe?

While religion has gained salience as a mode of governmentality so has secularism, usually understood in terms of the regimes and practices of separating religion from politics, and states from religious bodies as a modern principle of statecraft. In addition, as Casanova (2009, p. 1051) argued,

Secularism refers more broadly to a whole range of modern secular worldviews and ideologies that may be consciously held and explicitly elaborated into philosophies of history and normative-ideological state projects, into projects of modernity and cultural programs. Or alternatively, it may be viewed as an epistemic knowledge regime (...).

It is, of course, fundamental to recognize that the meanings of secularity change as its main points of reference shift from Catholicism and Protestant Christianity to Islam (Göle 2010). While much of the negative image of Islam and popular resentment against it has to do with racism and xenophobia, we still know very little about

the precise ways in which the secularization of native Europeans in terms of advances of secular worldviews plays out in this field.<sup>7</sup> In some countries, such as the Netherlands, we currently witness the emergence of (statistical) secular majorities whose views, e.g., about the nature of the public sphere and engagement with Muslims, may largely derive from the cognitive and evaluative aspects of their growing distance to religion. Interestingly, as Schuh et al. (2012) show, such tendencies may be encapsulated in ideologies of ‘secular progressivism’ with consequences not only for Islam but for historical Christian minorities as well.

In recent years we have seen the emergence of scholarship that critically interrogated the political premises of secularism thereby primarily focusing on the normative-ideological aspects of it as a core cultural element of the modern project (Mahmood 2006, 2010; Bader 2007). In this context, as in much of the debate on “post-secularism”,<sup>8</sup> scholars sometimes readily assume that secularist policies are mainly designed to curb religious expressions in the public sphere or in public spaces, that they are anti-religious in inspiration, incompatible with fundamental rights and construable in parallel with the ‘multiculturalism backlash’ (Vertovec and Wessendorf 2010). In addition, it seems that a number of policies aimed to redraw the lines between religion and the secular are especially designed to limit expressions of Islam, not of religion per se. As we will demonstrate in detail in the comparative Chap. 6, contrary to this perception the religious rights of Muslims have in fact been expanded in almost all Western European countries over the last two decades.<sup>9</sup>

It seems to us that just as the notion of islamophobia is too narrow to capture the variety of motives and structural forces behind the contestations around Islam,<sup>10</sup> so is the construal of secularism as anti-Islamic or anti-religious. Part of the problem is that the concept of secularism, used across disciplines in wide, sometimes imprecise ways, conflates empirical institutional differentiations of state and religion with the secularist ideological discourses promoting more rigid separations,

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<sup>7</sup> On this question see Wohlrab-Sahr (2003, 2007).

<sup>8</sup> Debates on post-secular society are principally inspired by Habermas (2006); for an incisive critical review of its sociological value see Beckford (2012). Marcel Maussen engages with some of this literature in his contribution to this volume.

<sup>9</sup> This is the principle argument against restrictions of Islamic dress in public institutions, especially female veils as they have no equivalent in other religions. As a consequence, amongst pluralist legal scholars such policies are addressed in terms of indirect discrimination, that is, policies with particular burden for a specific community even though they are in practice often cloaked in universalistic rhetoric (e.g. prohibitions mentioning helmets etc.).

<sup>10</sup> See Astor (2012) on the social forces behind social mobilizations against mosque constructions in Catalonia, and also in this volume.

denying the acceptability of religious arguments in public discussions and so on. Instead of focusing on secularism as a political force positioned against religions upfront we suggest that it is more useful to explore the varieties of *secularity* as a broader condition in which the relationships between religions and the state, the roles of religion in the public sphere etc., are negotiated, contested and redefined, and to examine the changing place of Islam in this light. Secularity is thus a more analytical term capturing the culturally, symbolically, and institutionally anchored forms of distinction between religious and non-religious spheres and material spaces (Wohlrab-Sahr and Burchardt 2012, p. 881, see also Taylor 2007).

Understood that way, we see that the secular is, in the contemporary West, in fact mobilized for very different ends; secularity can be demanded for the sake of national integration and progress (as in French history), or for the sake of balancing religious diversity (as during certain periods of Dutch history (Schuh et al. 2012), or in the name of securing individual liberties and freedom as is chiefly the case in the United States (Wohlrab-Sahr and Burchardt 2012). Importantly, these claims cannot be reduced to each other but are anchored within distinct logics.

Secularity becomes manifest not only in terms of institutionalized rules—the focus of most research on secularism—but also in public discourse, media practices and importantly, in the sphere of everyday life, that is, people’s lifeworlds with their multiple forms of embodying religious and secular ways of being, knowing and sensing.<sup>11</sup> Such distinctions help us to make sense of the tremendous disjunctures and discrepancies existing in some countries between the legal and political status of Islam and media debates. In Austria, Mattes and Rosenberger argue in this volume, “despite a highly politicized debate, strong resentments among the majority population and strong right-wing parties” the long established legal status which grants equal rights to all legally acknowledged religions and which sets Austrian Muslims in a rather exceptional position compared to other European Muslim communities, was not affected.

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## 4 European Islam in Context

The chapters in this volume are especially dedicated to exploring Islam in Europe in a non-reductive fashion; in other words, they take into account the *multiple contextualizations* that shape Islam in social life, and that should hence direct its

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<sup>11</sup> Nilüfer Göle (2010) distinguishes between self, state and the public sphere as sites for the manifestation of the religious-secular divide.



study. Next to institutional and political context (1), we refer to horizontal social contextualizations (2). What it means to be Muslim in Europe is dependent upon, and emerges from the way in which particular expressions of Islam relate to each of these horizontal contexts, which themselves take shape differently in different countries.

(1) In the first, more conceptual section we contextualize Islam by addressing different theoretical angles and social scales:

*Public Institutions:* It is often admonished that integration policies and discourses one-sidedly address immigrants by requiring them to change while no such demands for change are directed at native populations in host societies. To some extent, this criticism needs to be reconsidered if we look at host country institutions (both, in the narrow sense of public institutions and in the broad sense of social institutions). The authors in this book explore possible forms of adaptation but also resistance to change that may play a role under the guiding questions: which public institutions are the main targets for institutional change and why?

*Muslim Communities:* This perspective mirrors the previous one in its attempt to retrace processes of change and resistance to change among Muslim communities in Europe. Even though a clear description of the situation before and after arrival in, and adaptation to, European societies may be difficult to establish, the observance of cross-national differences, in particular in the identity and self-portrayal of Muslim organizations or changes of this identity and self-portrayal over time, allows for demonstrating that such processes of change happen in multiple ways. Recent research has emphasized the role of religion in the choice and management of migratory passages, navigating political and economic institutions and defining notions of belonging (Banchoff 2007; Levitt 2007). How do these processes play out with regard to Muslims in Europe? Which theoretical ideas are best suited to conceptualize the particularities of Islam in accompanying the changes in migrants' community life? How do transnational relationships between Muslim communities in Europe and other parts of the world that are now assumed to be a permanent feature of community life (i.e. as captured in the notion of global 'ummah', see Roy 2006) influence processes of change or resistance to change among Muslim communities in Europe and how are these transnational relationships transformed by changes in European Muslim communities?

*Macro-sociological Dimensions: Citizenship Regimes and State-Religion Regimes:* Because Islam is mainly an immigrant religion in Europe, two macro-sociological factors have a particular influence on Islam's positioning in the social, political and legal structures of European states: state-church relationships and citizenship regimes. The first provides a *general* opportunity structure for religious groups to acquire state-granted rights (or privileges) and a specific opportunity structure for

new religious communities that may or may not easily acquire rights similar to those of the established groups, irrespective, however of their national background.

The notion of citizenship regimes describes the specific opportunity structures states provide for new immigrant groups regarding access to full membership. In addition, certain models of citizenship regimes also measure to what extent states conceive of their citizenry as being composed of different cultural and religious groups (see the comparative Chap. 6). The question is thus, which models of citizenship have been developed and employed in the study of Islam in Europe and which hypotheses have been formulated regarding their effects on Islam in Europe? What are lessons of the literature on European Islam for theories of citizenship? And how do different church-state models (ranging from secularism and *laïcité* to establishment and national religions) shape the rights and spaces of Muslim communities?

Islam is shaped in Europe through the way in which it enters, and possibly changes, existing regimes of relationships between states and religions. In a well-known contribution that is reprinted in this volume, Koenig analyzed the incorporation processes of Muslim migrants from a macro-sociological point of view. He shows “that how nation states respond to religious diversity is, on the one hand, shaped by the institutional arrangements of political organizations, collective identity, and religion characteristic of the historical trajectories of modern nation states.” On the other hand, Koenig also finds trends towards convergence brought about by transnational forms of governance, especially at the judicial level.<sup>12</sup> As a matter of fact, many of the most discussed issues concerning Islam such as religious dress, halal slaughter, or the role of Muslim religious practices in state institutions are chiefly contextualized through the ways inherited state-religion regimes are adapting to, or else incorporate, Islam.

As Casanova has argued (2006, 2007), the place of Muslims in Europe has everything to do with the fact that they are mostly non-European immigrants, that is, generalized “national” and “religious others” at the same time and that in some countries immigration is almost identical with Muslim immigration rendering Islam ‘deviant’ on multiple scales. The chapters in this volume reveal very precisely how Islam in diverse European societies is contextualized in terms of the ways migration policy was (and is) organized and whether or not it construed religion as something that migrates with the people that it sought to attract or repel. As several

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<sup>12</sup> Matthias Koenig’s chapter was first published as an article in the *Journal of International Migration and Integration* in 2005. While policies and developments on the ground have changed in the meantime his theoretical approach towards the conceptualization of national pathways and European convergences is still very useful and his classification of claims to recognition has proved to be productive.

chapters clearly show, increasing demands are placed on Muslims' shoulders to actively demonstrate, institutionally in citizenship tests (Michalowski 2011) but also in everyday life, that their religious values are compatible with democratic values, constitutional norms and Western cultural sensibilities (see Schuh et al. 2012).

*Political Power and Judicial Authority:* In several European countries, courts have come to play an important role in granting more religious rights to immigrant religious minorities, in particular Muslims. In some cases, such as the German decision on Muslim teachers wishing to wear headscarves in classrooms, courts have explicitly stated that they do not see such decisions as their remit if no explicit law on headscarf wearing for teachers in public schools exists. In other situations, major decisions on the accommodation of Muslims and the granting of religious rights have been taken by courts alone. Thus there are critical questions as to the limitations and advantages of political as well as juridical decisions over religious accommodation. How can the roles of courts and politics in shaping Islam in Europe be conceptualized in theoretical terms? What does the judicial activism of courts mean for modern democracies and democratic theory?

*Civil Society Mobilizations:* Next to state-church relationship, citizenship regimes, courts and politics, Muslim mobilization and claims-making explains cross-national differences in the positioning of Islam in Europe. Different forms of mobilization may actually lead to different outcomes in terms of the quality (i.e., extension) of the claims made, in terms of their nature, the individuals supporting the claim, or in terms of the investment made to support them.<sup>13</sup> Which claims can and do Muslim communities in Europe make and what are possible factors that influence the claim-making?

(2) Muslim life in Europe is thus embedded in multiple institutional contexts. But it is also embedded in a hugely varying contexts having to do with national demographics, religious diversity “on the ground” and its experience on the part of communities. Here, we wish to point out three of such contexts:

*Formations of Everyday Conviviality:* In everyday life, Muslims' collective religious practices are fundamental in shaping a sense of belonging and community; but with regard to conviviality in concrete localities they may simultaneously morph into a decorum around which to fashion culturalist interpretations of what Hüttermann (in this volume) calls “hierarchy conflicts”, that is, conflict linked to struggles over power and presence in urban space. As Hüttermann cogently shows, forms of everyday conviviality can be analyzed as shifting figurations taking shape as sets of entrenched relationships between “the established” and “the outsiders” (Elias and Scotson 1994).

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<sup>13</sup> See Koenig, in his chapter, for a classification and analysis of claims.

*The Religious Field:* Islam and Muslims' religious practices and identities acquire different meanings depending on the structure of the religious field in which they are placed. Structure refers to numerical distributions, power and the nature of competitors. Muslims may be surrounded by majority communities that are, by European comparison, relatively religiously active, such as in Catholic Italy or Portugal. They may also live amongst majorities that see themselves as culturally Catholic (as in parts of France, see Arslan) or Anglican (in the UK case, see Cheruvallil-Contractor and Weller) or Protestant (as in Scandinavian countries, see the chapters by Jacobsen on Denmark and Cato on Sweden) without practicing their religion. Such differences matter inasmuch as they define quotidian background assumptions about the 'normality' of being religious.

*Internal Differentiations:* Muslim populations in Europe are hugely diverse. They belong to different strands within Islam (Sunni, Shi'a, Ahmadiyya etc.) and follow divergent interpretations of piety and duty thus producing endless shades within the observant/non-observant dichotomy. Importantly, they came from different countries of origin. The changing relationships to countries of origin are discussed in most chapters and suggest two conclusions: first, across Europe we find tendencies towards de-traditionalization, that is, towards reformulations of Muslim faith and practice in more universalistic terms.<sup>14</sup> Second, relationships to countries of origin have particular bearings in states where Muslims come from former colonies and where this implied privileged access to citizenships (as in the UK and France) and hence Muslims' political participation. The maximum contrast here is the case of Spain where, as Astor explains in his chapter, the first representative organizations were headed by domestic converts who also initially dominated official relationships with the state.

Taken together, this array of different theoretical and national perspectives and their multiple differentiations offer a comprehensive account of Muslim life in contemporary Europe as it unfolds in changing institutional landscapes. One of the often neglected but at the same time most interesting observations regarding these changes is the tightening of the cultural rights of immigrants and the concomitant expansion of their religious rights. We will develop this theme in detail and assemble evidence of it in the comparative Chap. 6.

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<sup>14</sup> Bendixsen (2013) discusses this with regard to the life of young Muslims in Berlin; here, as elsewhere, issues of language (Turkish, Arabic, German etc.) are important in shaping the possibilities of non-ethnically based Islam.

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# Figurational Change and Primordialism in a Multicultural Society: A Model Explained on the Basis of the German Case

Jörg Hüttermann

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## 1 Introduction<sup>1</sup>

Now that ‘guest worker’ immigration has ended but immigration continues, Germany’s immigration society is entering a hierarchical conflict between established residents and migrants. The mere fact that migrants used to be regarded as ‘guest workers’ but are today seen above all as Muslims suggests that the hierarchical conflict is currently undergoing a process of culturalization. By ‘culturalization of conflicts’, I refer to the process of attributing allegedly incompatible primordialist cultural qualities to the disputants involved in order to legitimize the aim of dominating one’s opponent.

Using a figuration analysis of the conflict to reconstruct the development of Germany’s immigration society from the ‘guest worker’ immigration of the 1960s and 1970s through to the present day, I show that the current resurgence of a culturalistic understanding of the society is driven by a hierarchical conflict between non-migrants and migrants. The supposed cultural conflicts of Germany’s immigration society are hierarchy conflicts.

I unfold this argument by proposing a typology of figurational change (Fig. 1) which has been derived from empirical studies performed in different urban contexts within multicultural Germany (see Hüttermann 2000a, 2000b, 2001, 2006,

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PARADIGMATIC INTERACTION ROLES		
Established residents	Intermediate actors	Immigrants
Figure 1: Accepted hierarchy		
Ushers	Interpreter	Peripheral strangers as guests
Figure 2: Challenged hierarchy		
Insecure ushers	Advocates	Peripheral strangers (as workers and clients)
Figure 3: Changing balance of power		
Partially disempowered ushers	a) Paternalists b) Protesters and complainants	Advancing strangers (as newly naturalized citizens)
Figure 4: Culturalized immigration society		
Secularized Western cultural subjects	a) Chief witnesses b) Dialogue actors	Muslim cultural subjects (as sleeper, wakened or still sleeping)

**Fig. 1** Idealized figurations of Germany’s immigration society

2010, 2011). Sections 3–6 both illustrate the model and explain the social nature of what seems to be a cultural conflict. The typology of figurational shifts allows us to understand how the balance of power between established residents and migrants has been transformed since the 1960s. If we follow the four sequences of figurational change displayed in these sections, we see how and why the conflict between established residents and migrants has developed in Germany. Each figuration stands for a particular hierarchical relationship between majority and minority and is ultimately characterized by its own particular interactive roles and power differentials between immigrants, intermediate actors and established residents. Before entering into the analysis of figurational changes, Sect. 2 deals briefly with proponents and critics of the culturalistic understanding the society. I conclude the article by anticipating and discussing some obvious objections to my analysis (Sect. 7).

Following Elias, I understand figuration as an umbrella term for specific and at the same time changing power differentials on which the interdependence of people or groups of people is based (see Elias 2005, pp. 170–174).



## 2 The Culturalistic Understanding of Culture and Society

According to a sociological understanding of culture, humankind is not rooted in some immutable cultural substrate. Instead we are characterized by our ability to transcend ourselves and our circumstances, whatever the given historical and cultural conditions (Plessner 1928/1975, pp. 291–292, 309 et sqq.). As Max Weber argues, even the deeply rooted meaning-giving *longue durée* structures of religion are modified by creative appropriation and interpretation (especially by charismatic religious and political personalities). As Weber emphasizes, even a cultural fact like religion that has survived for millennia is not qualified to serve as a monocausal explanation for other social facts such as modern rationalism or modern capitalism (Weber 1920, p. 1).

In Germany this understanding of culture and society emerged from an intellectual but ultimately violent confrontation with a historically embedded mindset that elevated culture to the metaphysical. The intellectual environment in which German sociologists were operating around 1900 was steeped in the idea that culture represented the all-determining essence of a nation. From such a culturalistic angle, people are conceived as possessing neither legs on which they can move nor the intellectual and practical wherewithal to cross any boundaries they may come across. To a certain degree human nature is understood in analogy to plants rooted forever in an eternal cultural soil. They stand rather than walk, and they know and feel what their culture has imparted to them, rather than learning it. They have no biography, for their life-course is culturally predetermined. Each tribe and race is rooted in its fatherland and ‘cultural area’ (*Kulturkreis*) and matures into a homogenous cultural nation.

Aspects of the culturalistic understanding of the social are found in Fichte’s (1793/1967) response to the emancipation of the Jews in Germany in the aftermath of the French Revolution. Although Fichte was fundamentally willing to give the Jews human rights in a future bourgeois and democratic Germany, he rejected granting them full citizenship on the grounds that the apparently immutable Jewish character was insufficiently rooted in the culture: ‘I see absolutely no way of giving [the Jews] civic rights; except perhaps, if one night we chop off all their heads and replace them with new ones, in which there would be not one single Jewish idea’ (cited in Aberbach 2007, p. 163). Such a perspective is also behind Herder’s philosophy of history (see for example, Herder 1803, pp. 448–449).

The culturalistic understanding of the social is not a product of German blood or German soil. Nor is it the logical consequence of the German Enlightenment,

which has many more facets than the above quotations might suggest.<sup>2</sup> As Elias (2005, pp. 179–253) shows, its success was largely due to the historical figuration of a politically feeble German bourgeoisie that believed it could satisfy its longing for a nation-state only by uprooting the weeds of the French aristocracy (or by resisting the refined simulation of the French ideal of civilization by German landed gentry) and ultimately by rejecting the very example of the French Revolution and its ideals. So it posited the depth of German culture against the supposed shallowness of French civilization.

After the Nazis and their racist understanding of culture and society had been pulverized by a militarily and culturally superior Western civilization, the talk of cultural stock and rootedness took a back seat in Germany. But nascent debates in the reunified Germany are breathing new life into the culturalistic understanding of society as, for example, the controversy over the idea of a ‘defining German culture’ (*Leitkultur*) (sparked in 2000 by Friedrich Merz, then a leading conservative politician). Also discourses on Islamic terrorism, the question of European Union membership for Turkey or the institutionalisation of the so called *Islamkonferenz* by the German Ministry of the Interior (Tezcan 2012) raise an imaginary of incompatible cultural/civilizational or religious essences (see Sect. 6 and Leibold and Kühnel 2006). All these give succour and nourishment to a phenomenon that seemed to have withered away.

In 2007 Manfred Pohl, the former in-house historian of Deutsche Bank, published a book entitled—absolutely without irony—‘Das Ende des weißen Mannes’ (The End of the White Man). Reviving the *Kulturkreis* ideas, Pohl rails against the supposedly imminent ascendancy of non-whites and the modern woman. Such debates—which Pohl himself promotes as president of the influential neo-conservative think tank ‘Konvent für Deutschland’—are changing the way immigrants and ethnic minorities are seen here. Whereas migrants in the 1960s who were inserted into the Fordist world of work were seen as ‘guest workers’ (see Hunn 2005, pp. 29–206) and were largely invisible in urban public life (see Hüttermann 2000a), the aforementioned discourses contribute to transforming them and their descendants more and more into beings from an alien culture or religion (see Tezcan 2012).

How has this happened? Is the currently observable imaginary of a society divided into secularized Christian/Western cultural subjects and Oriental Muslim cultural subjects just the natural consequence of the revival of a deep-rooted German primordialism that resonates in Herder and Fichte?

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<sup>2</sup> Even in Herder there are statements treating cultural difference as gradual rather than substantive (Nübel 1996; Fisch 1992).

This chapter contests that oversimplification. This may look like a cultural conflict, but its roots are to be found in the nature of society rather than the nature of culture. To recognize this we must start by analysing conflicts in Germany's immigration society in sociological terms. One promising approach is figuration analysis of conflicts, which focuses on the everyday interactions and discourses that shape the often conflict-laden processes of change in social hierarchies.

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### **3 The Figuration of Ushers and Guests**

Migrants migrate not simply into a society, but into a normative social order, to which they submit to the extent they understand it. The normative order of a society comprises formal and informal rules: norms for work, norms for hygiene, norms regulating traffic, as well as assumptions about good behaviour, dress, and social conduct that are sedimented in the lifeworld. The formal norms are codified and in some cases institutionalized rules. The informal norms are largely the rules of hospitality, or what passes as such.

The law of hospitality is an intercultural constant that has governed relationships between hosts and guests for millennia. Whatever the cultural differences, there is always an inherent hierarchical power differential: on the one hand the host or patron who shows guests their place; on the other the stranger as protégé and guest making no demands but accepting what is offered with appropriate gratitude.

The migrant encounters the normative order of the host society in the social figure of the host (whom we might call the usher, because he or she shows guests or strangers their place). Whether as foreman or caretaker, trainer or teacher, police officer or ticket collector, official or landlord, sales clerk or neighbour, colleague or friend, established residents are always showing newcomers their place and status—often incidentally, and sometimes physically if need be.

In the labour and housing markets, in neighbourhood and leisure contexts migrants occupy marginal social positions. At work and in public life they find themselves underground (sometimes literally). Even the TV entertainment of this era assigns the migrant to the marginal role of a well-intentioned, but awkward and naive figure whose repeated failure to understand the rules of the house gives rise to hilarity.

The boundaries between high and low status, between centre and periphery, are taken as the natural state of affairs by both the older-established ushers and the newcomers. They appear natural and legitimate to all involved. The marginal positions are anchored in the legitimizing principles of custom and the law of

hospitality. A peripheral stranger who violates the house rules of German society or their implicit extensions will be admonished with the words: 'Here in Germany we ...'

The following extract from an interview with a former trade union representative in Duisburg perfectly sums up the asymmetry:

'We had to teach them how to crap'

(Excerpt from an interview with a former trade union representative at Thyssen; see Hüttermann 2001)

And I tell you this. Back then I even had to teach them how to crap. We had a janitor at Thyssen and he said: 'Look here, this is how you do it.' And he took off his trousers (but not his underpants) and sat down and said: 'So, now do it in there.' There was an interpreter there too. 'And then you wipe, or not, depending.' We really did, we had to teach them how to crap.

The expectation that the protégé will follow instructions harmonizes with the migrants' great willingness to fit in. The following excerpt from an interview I conducted in 1997 with a policeman who went down in Duisburg's popular annals as the 'sheriff of Bruckhausen' may serve to illustrate the point:

'They did as I said'

(Excerpt from an interview with a former policeman, performed in Duisburg in the year 1997)

I had a close relationship of trust with the first generation. Well, they trusted me. So I could say 'Do it this way' or 'Do it that way', and they did as I said. And everybody benefited from that. And then one time this stupid thing happened. Someone came and said 'The neighbours tell me my 17-year-old son is always out at night. I've told him not to a few times but he just won't do as I say.' And at the end I say, more as a joke: 'You know what, I wouldn't let a 17-year-old just do as he pleases. If I had to I'd chain him to a radiator or something, wouldn't I.' Anyway, off he goes and the next day a colleague of mine takes a look in the flat and sees the lad chained to the radiator, with a chain round his neck and a padlock on it.

As well as illustrating the taken-for-granted hierarchy of life worlds, these two quotations also show how language problems and cultural misunderstandings can sometimes disrupt the smooth social reproduction of the hierarchy of ushers and peripheral strangers in everyday life. For that reason the interpreter role is of central importance for the figuration of the 'guest worker' society.

The interpreters employed to facilitate communication with the immigrant minority from Turkey were largely people who left Turkey immediately before or during the military coup of 1971. These were mostly political refugees, many of whom already had a university degree, or completed one in Germany. In fact, these selected migrants were rarely formally employed as interpreters. But as administrations, political parties, schools, housing associations, and voluntary sector organizations increasingly encountered a new migrant clientele and ran into corresponding communication difficulties, these individuals slipped to a greater or lesser extent into the role of interpreter.

For those who wish to do justice to the social role of interpreter, there is much work to do. They are integrated into a transmission role located between ushers and protégés (Jonker 2002, p. 9). Not just at work, but in politics, education, housing, and health, they contribute either explicitly or incidentally to the preservation of a hierarchy between ushers and peripheral strangers that is taken for granted and hence regarded as legitimate.

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## 4 The Figuration of Insecure Ushers and Clients

The figuration of established residents and migrants has changed since the 1970s. The balance of power has shifted to some extent towards the migrants, firstly because the guests have increasingly acquired an actual a perceived identity as workers and pursue corresponding class interests, ultimately slotting themselves into the dominant figuration of labour and capital. But it is also because a new social figure comes to the fore, following in the footsteps of the interpreter: the advocate (see again Fig. 1).

The social figure of the advocate encompasses more than just the profession of lawyers. Generally without legal qualifications, the social figures we are talking about here find their way gradually into a new role that the immigration society offers. Initially sporadic but increasingly continuous advocacy for protégés turns many established residents into informal advocates for the concerns of the minority. Motivated by Christian, humanist, or socialist ideals of solidarity, or as comrades, established residents grow into a generally informal advocacy role as trade unionists,

caretakers, supervisors, colleagues, neighbours, doctors, or voluntary sector staff. They defend migrants against exploitation and attack, for example, from employers, landlords, and officials. The advocates we are talking about here are recruited from the ranks of the ushers. As compassionate ushers they are of great importance in humanizing the relationships between established residents and migrants.

The advocacy role implies seeing migrants primarily as helpless victims unable to speak for themselves. In view of the communication problems in the young German immigration society and the continued expectation that migrants will submit to the role of preventive compliance implied by the laws of hospitality, that view is certainly appropriate. Investigative journalist Hans-Günter Wallraff, whose undercover reports on working conditions in industry very effectively publicized the unfair treatment of migrants, represents one of the most prominent embodiments of the advocate figure in the field of journalism.

In 1983 Wallraff adopted the persona of a Turkish guest worker named Ali Sığırlioğlu and took various jobs, including working for a subcontractor at Thyssen. In the resulting book, *Ganz unten (Lowest of the Low)*, he describes the systematic violation of the most basic health and safety rules for migrant workers.

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## 5 The Figuration of Weakened Ushers and Advancing Strangers

If we are to answer the central questions of how and why ‘guest workers’ have turned into Muslims as oriental cultural subjects and older-established ushers into secularized Christian/Western cultural subjects, the third figuration of Germany’s immigration society is of great importance.

In the course of the 1990s we see a completely new figuration emerging. The role of the erstwhile interpreters is withering away as immigrants increasingly show one another the ropes and find their way around the prevailing house rules (and their deficits). Pioneers and late-comers are now in permanent exchange. Another factor is that migrants navigating the jungles of bureaucracy and the maze of the welfare state increasingly rely on the services of their German-educated offspring.

The erstwhile ushers are becoming increasingly powerless, as the life world-sedimented situation<sup>3</sup> of hospitality—and its transmission belt, the interpreter—

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<sup>3</sup> The concept of life-world sedimentation follows Alfred Schütz’s sociology on the structures of life worlds. According to this phenomenological approach a life world is partly structured

steadily loses importance. The guests of the host, the clients of the advocates and the wards of the paternalists are growing into workers, 'foreign fellow citizens', and ultimately fully entitled citizens who demand to be treated as equals. These advancing strangers know their rights and no longer want to dwell in the gratitude of the guest or the invisibility of the peripheral stranger.

Precisely because the migrants and their offspring are no longer content to occupy the margins of society, they appear more alien than ever to the increasingly powerless ushers. As they transgress and tear down life world-sedimented status barriers they encounter the ushers with a new immediacy that is both confusing and frightening. This advancing stranger is not Simmel's stranger who 'comes today and stays tomorrow' (1908 [1992], p. 764); this is the stranger who came the day before yesterday, stayed yesterday, and today challenges both the outsider roles assigned to him or her and the hierarchies so dear to the ushers. As the stranger transgresses the life world-sedimented hierarchical divisions—which especially longer-established actors would much prefer to maintain—this gives rise to disturbing everyday hierarchy conflicts, sometimes sporadic, sometimes more structured.

Three questions arise: (1) Which hierarchy divisions does the advancing stranger transgress? (2) How does the stranger transgress these boundaries? And (3) What do transgressions have to do with hierarchy conflicts?

## 5.1 The Formation of Hierarchical Divisions through Avoidance Behaviour

In various fields of interaction in urban society, group figurations and group boundaries are stabilized through everyday routine. One way in which this occurs is through power-based and hierarchy-fostering avoidance behaviour.<sup>4</sup>

The avoidance behaviour we are talking about here is seldom explicitly conscious. Rather, it is generally incidentally embedded in the routines of everyday urban life, work or leisure. Ego reproduces power relations symbolically (and thus also materially) by forcing its will on alter ego through a space-grabbing show of

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by historically accumulated sediments of taken for granted assumptions that still have an effect on current everyday life, though current thinking does not reflect on them.

<sup>4</sup> Of course avoidance behaviour is not the only form of social activity that affects hierarchies. Charisma (Weber) and charm (Stölting 2000), rationality discourses (Foucault) and even art (Bourdieu) all also imply hierarchy formation, and the list could be extended.

status symbols, lifestyles, or social prestige in the broadest sense of the word. On the other hand, ego can also bring its superior power into play in the social game by demonstrating to others who refuse to do as they are bid its ability to withdraw from particular spaces (or the unpleasant encounters associated with them) and retreat to other spaces it regards as privileged (e.g., rotary club, exclusive shops, leisure events, etc.).

Now it is obvious that strong hierarchy-relevant avoidance behaviour need by no means automatically bring forth social conflict. Where avoidance behaviour merely confirms stable social hierarchies conflict is unlikely because powerful actors have no interest in their situation changing, while weak groups see no opportunity to change the balance of power. Only if changes in avoidance behaviour alter or destabilize the balance of power and the figurations will a potential for conflict develop (Gaventa 1980, p. 23; Horowitz 2001, p. 525).

## 5.2 How the Advancing Stranger Transgresses Hierarchy Divisions

Hierarchies change when the other no longer avoids me as I had become accustomed to expect, but instead confronts me, resists me, or even expects me to avoid him or her (or us both to avoid each other). The forms of compliance with, enforcement of or refusal of expected avoidance are manifold and sometimes very subtle. In his sociology of imitation, Gabriel Tarde wrote that the French Revolution really began in the years before 1789 when the bourgeois audience in Paris ceased obediently applauding the theatre plays that always premiered at Versailles (2003, p. 223). In this context the refusal to applaud was not simply about not clapping hands. It represented in body language the rising bourgeoisie's refusal to grant the aristocracy the right to set the artistic trends. Instead of obediently applauding in deference, the rising bourgeoisie now drew a new line of resistance against the privileges of the dominant social group.

Changes in the avoidance behaviour of social groups with implications for the hierarchy may also be directly connected to the use of social space. The following observation from 1997 shows how established residents in the Duisburg area of Marxloh felt about the way the former 'guest workers' were no longer keeping to the margins of society but were beginning to move into new areas.



**BM180397 Kebab**

Around midday I land by chance in a respectable bar on Wiesenstrasse, about 500 m from Schwelgern Stadium. Three older men, all around 60, are sitting at the long bar drinking beer. When I order apple juice and water the barman has to go down to the cellar to fetch bottled water. The topic of discussion is the death of a friend a day or two ago.

A great many wreaths have been donated: by the Social Democratic Party, by relatives, by the miners' welfare society, etc. 'There might be about twenty wreaths or so coming.' It turns out that the deceased ran a bar that will now have to be sold. A 'pretty and hardworking barmaid' is being discussed as a successor. And then with clear aversion: 'Or a Turk—after all they already run almost all the businesses round here. They'll probably turn it into a café.' 'Another café? There're already four or five round the corner. How do they make their money?' To which the first responds with a wry smile: 'With café [coffee]!' Everyone laughs. 'Yes they've already got all the takeaways with their kebab, or whatever you call it.' The second confirms 'kebab.' The third chimes in: 'And the barbers! The barbers are already all Turkish!'

The next four examples are also taken from ethnographic field research I conducted between 1996 and 1999 in Duisburg. They illustrate important aspects of the changing balance of power at the nexus of avoidance behaviour, group hierarchy and conflict.

1. On 1 May 1997, neither the trade-union organizers nor the Duisburg police were able to prevent Turkish and Kurdish groups from splitting off from the authorized route of the DGB march to hold their own separate rally. The immigrant workers' groups succeeded in rejecting the leadership and authority of the established trade unions, making themselves provocatively visible to their former ushers.
2. During the mid-1990s white residents in Duisburg began boycotting Turkish taxi-drivers, explicitly asking for a (white) German driver when they called the taxi company. The practice had to be abandoned after the Regional Court of Appeal in Düsseldorf ruled on 28 May 1999 that it was discriminatory. The former ushers can no longer avoid advancing strangers who know and insist on their rights.

3. In the mid-1990s the question of Turkish people purchasing property became the number one local issue in Duisburg, although the odd thing about this conflict was that, while the German side became quite agitated, the Turkish side remained largely unaware of how charged the issue had become for the established residents. The changing ownership of rented and owner-occupied housing gave expression to a progressing inversion of the established hierarchy; but worse still for the established German residents was the fact that advancing strangers also began taking over bars and shops they had come to regard as bastions of identity and monuments to better times. From the perspective of the established residents their own centre was becoming the periphery. As the numbers of 'Turkish' shops and cafés grow (sending signals and marking boundaries in the form of Turkish-language advertising, displays, clientele, etc.), many established residents feel forced to retreat and/or avoid. In the 1999 local elections a long-resident Christian Democratic estate agent succeeded in conquering the Social Democratic stronghold of Duisburg-Marxloh on a campaign of opposition to Turks buying property. Of course, once elected he found that the position of councillor gave him no powers to do anything about the issue, so instead he turned his attention to sports matters.
4. During the 1990s, residents of Turkish origin began buying high-status Mercedes and BMW cars rather than the cheaper makes and models they had long been associated with. Established residents regarded this as evidence of illegal income and criminal activities. They would have preferred the advancing stranger to stay within the bounds of the assigned market segment. (White) citizens asked Duisburg's chief of police to ensure that all 'Mediterranean-looking' drivers of expensive cars were stopped and searched to check for their probable connections to the Turkish mafia. But the police were neither willing nor able to restore the privileged position of the partially disempowered ushers, because German law does not permit the police to intervene in the way many established residents would have wished.

### 5.3 Transgressions and Group-based Hierarchy Conflicts

Actors who refuse to make way when they are expected to as a matter of course do not simply disappoint expectations—they may also be crossing a line set by the expectation. If the line is a hierarchical division, the actor risks a hierarchy conflict. The apparently legitimate expectations of established residents are always relevant for the emergence of hierarchy conflicts in that they may (without risk of contradiction) instruct migrants about the informal German house rules or enjoy

the right of way over ‘foreigners’ on the pavement, in the supermarket, in the welfare state, in the health service, in the residential environment, and in politics. It is about the customary assumption that ‘rightful’ prestige is symbolically ratified by the obedient avoidance of the other.

Hierarchy conflicts flare up where hierarchy divisions start to be challenged or attacked, or cease to be backed up by a sense of clear superiority. The last example above clearly shows that many small and in themselves insignificant hierarchy conflicts can be turned into group-based conflicts by stigmatizing gossip or conspiracy theories. If the participants in such hierarchy conflicts attribute the others’ behaviour to the ambitions or intentions of their group, conflicts turn into group hierarchy conflicts.

Group hierarchy conflicts require a clear shift in power differentials to unleash their conflict potential. Precisely this transition from vertical hierarchy to a situation of challenged authority over strangers whose strength is growing is an important precondition for the emergence of group-based hierarchy conflicts. Tocqueville observed that the French Revolution ignited not at the moment when the material situation and morale of the people was at its worst as the result of famine, but actually only after it had improved considerably. Conflict research describes this phenomenon as the ‘Tocqueville paradox’ (Esser 1999, 405 f.).<sup>5</sup>

## 5.4 Paternalists and Protesters

As the above examples illustrate, hierarchy conflicts between established residents and incomers became increasingly visible during the 1990s. In the 1980s politically radicalized migrants were already showing a hitherto unknown side to themselves in the German public sphere. In the wake of the quasi-civil war that developed in Turkey towards the end of the 1970s, the military coup of 1980 and the escalating Kurdish guerrilla struggle, some migrant groups became radicalized at the left and

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<sup>5</sup> Classical revolution theories (Marx and Engels 1983; Tocqueville 1969), modern group theories of social identity (SIT) (Tajfel 1982, 63 ff.), and empirical studies dealing with group conflicts (Davies 1969, 1970; Miller et al. 1977; Gaventa 1980; Dubet 2002) all assume that intergroup conflicts are conditioned by social change (Feyerabend et al. 1972). Some approaches refine this very unspecific hypothesis by foregrounding the importance of economic and socio-structural change, the disintegration of political systems (Bwy 1972, 223 ff.), or the role of changing value expectations in relation to value realization. Other approaches too, such as SIT, place changes in group relations that occur in advance of conflict escalation and cannot be reduced to structural effects at the heart of their theoretical discussion of causes of conflict (Tajfel 1982, 63 ff.).

right extremes of the political spectrum. One of the most prominent examples was the Kurdish Workers' Party (PKK), which was active in Germany from the early 1980s, organizing protests against the Turkish regime that grew in violence into the 1990s. On 24 July 1993, for example, PKK supporters took twenty hostages in the Turkish consulate in Munich and demanded that the German Chancellor publicly support the Kurdish cause; numerous Turkish institutions were also firebombed. In the end the organization was banned in November 1993.

In 1995 spontaneous celebrations in Duisburg following a European Championship group qualifying match between Turkey and Sweden turned into political demonstrations by PKK supporters and opponents, with street barricades being set up for a time. The events created a lasting impression locally, and were mentioned in almost all the narrative biographical interviews I conducted between 1996 and 1998 with established residents in Duisburg-Marxloh, for whom it became a kind of local trauma.

Here and in other events a new social figure comes into play, one who is noticeable in everyday life as well as in politics: the protesting stranger. The protesting stranger is in a sense the vanguard of the advancing stranger. The protesting stranger increasingly breaks free from the advocate figures recruited from the ranks of the established residents. The appearance of this figure shows that the migrant has now passed another status hurdle. Instead of being contained in the dependent role of ward or client, migrants increasingly see themselves as advocates of their own cause. Instead of delegating their interests to lawyers and mediators who act as their trustees, they now develop an accusing discourse. This uses stereotypical arguments of racism or discrimination copied from the advocates and soon comes to be applied in all fields of conflict from sport and work to arguments on the roads because they easily embarrass the insecure ushers.

The majority society responded paternalistically to this new development. Strict paternalists, such as the different interior ministers, responded with police action and bans on organizations. Well-meaning advocacy paternalists responded with assistance for those wishing to return 'home' and for commissioners to be appointed for foreigners' affairs. When it was introduced in 1978, the office of 'Commissioner for promoting the integration of foreign workers and their families' was assigned to the Federal Ministry of Labour and Social Order because migration was still being discussed purely within the scope of work and the welfare state. Later it shifted to the Family Affairs Ministry and finally (in 2005) to the Chancellery. This development itself shows how concerns with 'immigration and integration' first broke the bounds of the figuration of capital and labour before outgrowing the remit of the Family Affairs Ministry as well and finally advancing to become top priority directly under the Chancellor. Since about the end of the 1980s, foreigners'

affairs commissioners have been established across the board in cities and states, as well as in big companies and universities.

Cities with major migrant populations are now advised by foreigners' councils whose task is to integrate the new culture of protest into the conflict mechanisms of civil society (under arrangements that vary from state to state). During my field research in Duisburg (1996–1998), I also attended meetings of the local foreigners' council. During the meetings the role of the municipal education official responsible for the council seemed to be largely to admonish the representatives to observe the procedural rules and stay within their legally defined public responsibilities. The falling participation in elections to the councils shows that migrants did not take seriously the paternalistic venture of 'foreigners' councils' that defined them as having second-class political rights. Advancing strangers and their protesting vanguard had broken out of the reservation.

The cited examples illustrate a figuration of increasingly disempowered ushers, paternalists and advancing strangers that expresses the way the power differential of established residents and migrants has now shifted a little more—at least as far as the level of everyday interaction is concerned—towards symmetrical intergroup relations and for precisely that reason has triggered hierarchy conflicts.

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## **6 The Figuration of Allegedly Incompatible Cultural Subjects**

The development of Germany's immigration society took a new turn with the events of 9/11. The hierarchy conflict of the previous figuration was transformed into a cultural conflict.

### **6.1 The Cultural Subject**

After the Duisburg mosque applied to amplify the call to prayers through loud-speakers in 1996, the malicious gossip in which established residents engaged when talking about advancing strangers became reinforced with cultural arguments as well. Even the impertinence of children has now acquired a taint of Muslim world conspiracy:

### **Muslim World Domination (Extract from an Interview with a Resident)**

P: I arrived with my husband. We parked our company car here at the front, and, um, there were some of them still outside at eleven o' clock [in the evening] with their bicycles. They were Turks, three or four of them. . . . And then I say 'Well, shouldn't you all be at home at this time?' [They reply] 'We're free citizens, we can do what we want here!' . . . They were ten at the most, no older. 'We're free citizens, we can do what we want here!' That's the attitude instilled in them, and I also think, um, those are the ones, well I'd say, um, I suspect, the ones that want world domination, I'd put it like that, because they say 'We are the chosen ones' don't they? . . . And all the others, Christians or whoever, the best thing would be, um, well, they want to scalp them, don't they!?

This example shows how the advancing stranger becomes alien when he/she breaks through status barriers (and alienates the ushers' perspective) and also becomes culturally estranged. Alienation and cultural estrangement through local and global gossip and scandal (for example, through the mass media) go hand in hand in this very everyday process. Since the Islamic Revolution of 1978 in Iran, even neutral reports about migrants from Islamic countries have almost automatically been accompanied by images of long rows of praying men or women wearing headscarves. The figure of the Muslim cultural subject is conveyed especially vividly by visual language.

For example, an issue of the newsweekly *Der Spiegel* in 1997 ran some very balanced and level-headed reporting about social disintegration processes and the ethnicization of social conflicts. It avoided talking about fanatical descendants of Turkish 'guest workers' but covered the issue of ethnic German migrants from the former Soviet Union. But the screaming title 'Dangerously Foreign' and the visual language played on the widespread media theme of cultural subjects whose very origins make them a danger.

Since 9/11 a sleeper discourse nourished by the discovery of one Islamist terror plot after another has helped to ensure that migrants appear increasingly estranged, and to permit this to be said out loud at last. During my field research on mosque conflicts in 2002, the spokesman of a pressure group opposing the building of a minaret told me of his worries that, although the mosque in question might appear to be moderate at the moment, one never knew whether that would still hold in future. He regarded the worshippers as people who could potentially become

radical fanatics. During negotiations with the mosque society, other members of the pressure group expressed similar fears and read with trembling, fear-laden voices from newspaper articles about the 9/11 hijackers and the Taliban in Afghanistan.

What the established residents are addressing here is the social figure of the 'dormant sleeper' who ultimately cannot shed the cultural skin of his or her religion and/or ethnicity. In their view it is only a matter of time before some event reawakens the sleeper as a divine warrior. Unlike the sleeper defined by the security forces, the idea of the 'dormant sleeper' of everyday discourse assumes that the migrant is acting on a subcutaneous cultural code of which he or she may not even be consciously aware.

The sleeping sleeper is the Muslim cultural subject, and the Muslim cultural subject is the sleeping sleeper. Whether consciously or unconsciously, Muslim cultural subjects conceal their true motives. This is what leads them to resort to salami tactics. The accusation of 'salami tactics' is heard wherever conflicts explode over Islamic symbols. The phrase 'salami tactics' is often uttered with a bit of a grin, but if we remind ourselves of the historical context, the inherent moral connotations become clear. They refer indirectly to the sociology of hospitality. Using salami tactics means proceeding in small steps that in themselves suggest nothing of any underlying strategy concept to an innocent eye, and indeed may in fact conceal the existence of such a plan. By the time the victim realizes what is going on it is already too late.

The term refers to the practice of gradually undermining something rather than attacking it head on; in the particular context of German debates about the rights of guests, it is used to draw attention to the supposedly deceitful activities of a political opponent who exploits the generous cooperation of a quasi-host, evoking the image of a ungrateful guest exploiting the host's generosity and potentially leaving him impoverished (Pitt-Rivers 1977/1992, p. 17) (in other words, eating up all his salami). The guest has, so to speak, drawn on the host's last reserves, or to extend the salami metaphor, on his preserves. This situational definition feeds the 'justified' outrage of the quasi-host towards a guest who suddenly mutates into a sponging enemy. This releases the host and master from any moral idea of generosity or consideration toward the voracious and hostile guest. Now it comes to the crunch.

But what is the crunch or conflict here? Or put another way, what are the reserves (or preserves) being threatened by the building of a minaret? It is about the dominance—anchored in life world-sedimented hierarchies—of established residents over migrants challenging an outdated asymmetry of power. In making themselves visible and audible migrants are challenging the old hierarchy. But this is a fundamental condition of integration, for without visibility and audibility, par-

ticipation in the pursuit of collective interests—which is what integrates an open society—is inconceivable.

The children of the children of the ‘guest-worker’ generation standing up for their rights even after 10 p.m.; young descendants of ‘guest workers’ trading their Fords and Opels for more prestigious makes such as BMW and Mercedes, and acquiring housing property to become the landlords of German tenants (who in some cases were once their supervisors); mosques no longer content with premises in the back alleys on the margins of the local public sphere; migrants who go straight to the police to report a former usher, or spontaneously use an accusation of racism and discrimination rather than waiting for the assistance of an informal advocate: all these phenomena have one thing in common from the figuration sociology perspective. They all break down life world-sedimented hierarchical divisions and threaten the established power differential. Exactly for that reason the people involved are defined as ‘dangerously foreign’ and stylized as cultural subjects in stigmatizing sleeper discourses and conspiracy theories drawing on the salami tactic metaphor.

The culturalization of social conflicts also turns up in debates over the expanded social space of the European cultural nation, for example, in debates over the possibility of Turkey joining the EU.

Hans Ulrich-Wehler was one of the fathers of the Bielefeld school of history, which saw itself as a historical social science and sought explanations more in material than in cultural *longue durée* structures. But in past television appearances and interviews Wehler has been singing a very different tune, one that identifies him as a historical culturalist rather than a social scientist. He has become a determined critic of the idea of integrating Turkey into the EU. Some of his statements stereotype Islam as a collective subject that seizes people and sweeps them along in its wake. ‘Islam is the only world religion that is still expanding conspicuously quickly. It already claims more than one billion adherents, and will soon far overtake Christianity’ (Wehler 2002, p. 7). The tenor of these formulations is that people are not actors but accidentals of a cultural meta-subject.

Wehler claims to lay bare the culturally deep soil of Islam that ultimately determines how its people act, and that, according to him, makes this religion incompatible with European culture. ‘Mohammed’s syncretic blend of different religious elements—often from the Israelite and Christian religions in whose prophetic tradition he squarely placed himself—has brought forth a militant, expansionist monotheism that cannot deny its origins in the world of warring nomadic Arab tribes’ (Wehler 2002, p. 7).

According to Wehler the incommensurability of Islam with Western culture is also clear in the refusal of Muslims in Europe to integrate. Asked by a journalist whether 2.4 million Turkish immigrants in Germany were not evidence that peace-



ful coexistence could work, Wehler responded: 'The example actually shows that it does not work. Germany has no problem with foreigners, it has a problem with Turks. This Muslim diaspora is just not integratable' (*Tageszeitung*, 10 September 2002).

To Islamologists and sociologists who seriously study Muslims and their religious feelings, Wehler's conception of Islam as a metaphysical cultural substrate that adheres to the soul even of those who leave its cultural sphere is untenable. Nehemia Levtzion (1987, p. 142 ff.) shows that Islamic mysticism was decisively involved in disseminating Islam by peaceful means and in the process integrated many elements of other religions. To this day Sufism is a widespread spiritual movement among migrants from Muslim-influenced countries and has nothing at all to do with warring nomadic tribes (Hüttermann 2002).

Nor does the biggest migrant group in Germany—those of Turkish origin—fit into Wehler's caricature, for only one third of them attend mosque regularly, one third go only once a year for Eid at the end of Ramadan, while one in three never sets foot in a mosque (Salentin 2002). Among the regular mosque-attenders, many favour a rather pragmatic, unorganized popular Islam that is ethically very demanding but whose Islamic principles are filtered through humour, irony and oral tradition and thus have been adapted to modern everyday needs (Tezcan 2003, p. 256, note 23).

Wehler rejects the possibility of Turkey joining the EU partly because Turkey belongs, he says, to 'a different culture [*Kulturkreis*]' (2004, p. 7). The term *Kulturkreis* was coined by the Africanist Leo Frobenius in his 1898 essay on the origin of African culture ('Ursprung der afrikanischen Kultur') in which he argued that there are ethnic groups based on cultural elements that are immune to cultural exchange. Such elements, Frobenius argued, represent the immutable essence of a *Kulturkreis*. Here Frobenius gave anthropology a concept that expresses a culturalistic understanding of society. Ultimately the theory of the *Kulturkreis* became so strongly established in the racist climate of 1930s and 1940s Germany that even Frobenius renounced it. But he was unable to put the genie back in the bottle.

If a historian like Wehler is willing to revive the *Kulturkreis* concept in the heat of the debate, this plainly shows that the culturalisation of conflict represents a temptation that even those who know better cannot resist. In terms of providing substance for the alienation of the stranger cultural subject, Wehler's arguments would appear to be functionally on a par with the local discourse that stigmatizes children as the advance guard of Muslim world domination.

## 6.2 Chief Witnesses

If the available evidence in a criminal trial is insufficient, the prosecutor may call witnesses who were themselves involved in the crime. Likewise, if the available evidence in a process of stigmatizing people as cultural subjects is insufficient, chief witnesses are also called. One of the most prominent current chief witnesses for the culturalized migrant society in Germany is Necla Kelek.

Of course the two processes are not identical. Although the culturalization discourse is sometimes conducted as if it were about proving that the other (whether established resident or migrant) has been involved in some actual or merely planned misdeed, the chief witnesses of culturalization are prominent victims of their own immigrant compatriots rather than accomplices. In the culturalized immigration society they slot into the roles assigned to them by the mass media and the intellectual and political ushers of the immigration society.

Kelek takes her own biography as her normative point of reference for an educational campaign addressing a social fact that rightly horrifies the German public, namely forced marriages between Muslim men living in Germany and Muslim women, some of them under age, who are literally imported from Turkey for this purpose. Kelek blames the social fact of forced marriage on the traditional slaveholder mentality of mothers-in-law and children in traditional Turkish Muslim families, as well as a deeply rooted fatalism about personal fate.

Kelek's diagnosis is very clearly and slickly formulated: 'As the effects of the intensifying Islamization of Turkish society are felt among the migrants in Germany, we are seeing the reappearance of old traditions and customs that we thought had been swept away by modernity and Atatürk's reforms. Tradition is devouring modernity' (2005, p. 57). For Kelek, the deepest sedimented layers of the Islamic cultural substrate are responsible for a tradition that consumes first Turkish modernity and then German modernity: 'And the more I look into the issues, the stronger my suspicion that the origins and essence of much of what makes Islam so resistant to the demands of modernity are to be found in the life of its founder' (2005, p. 165). By saying this, she actually places herself on the side of those proponents of the German Enlightenment who made the substantializing cultural discourse publicly acceptable.

The simplicity and slickness of Kelek's diagnosis also makes it untenable. In fact Islamologists all over the Muslim world (Werner 1997; Klein-Hessling et al. 1999), including Germany (Nökel 2002), have observed that a fundamentalist interpretation of Islam based on the religious texts can be used to emancipate young Muslims from traditional patriarchal structures. Islamist women familiar with the Quran interpret their Islam in such a way as to justify the rejection of parental mar-

riage arrangements, citing instead a supposedly pure Islam untainted by cultural tradition.

The new thinking and behaviour of Muslims reported by Islam researchers may be a marginal phenomenon, but the issue demands to be taken seriously. By not even discussing these and other objections, Kelek shows herself to be not a researcher but a chief witness who gives everyone the same label of deeply rooted cultural difference. In the context of the figuration of a culturalized immigration society, that is grist to the gossip mill—whether in the housing estates or the ivory towers.

### 6.3 Dialogue Actors

Dialogue actors who act in the framework of Christian–Islamic dialogue are a constitutive part of the figuration of allegedly incompatible cultural subjects. But the respective dialogue settings at the local, national and international levels have been overestimated. They fail to fulfil the high expectations that they will further the integration of the immigration society (not to speak of the ‘world society’). The reasons can only be briefly outlined here. Firstly, the dialogue itself creates its own social divides between social groups that are either capable or incapable of dialogue (Nassehi 2006). At the same time it supplies moral legitimation to denigrate the other group and thus conjure up new opposition or even hostility in the literal sense.

Another weakness of a dialogue that claims to obviate the need for debate on education policy, security policy, or law and order is that it actually creates the cultural subjects (and ultimately also the cultural conflicts) that it claims to be overcoming. ‘Now that inter-faith dialogue has been given public responsibility for helping with the integration of (Muslim) migrants (especially in response to international terrorism) this is no longer a marginal issue. It is about transforming the (Muslim) immigrant into the immigrated Muslim. Questions of immigration are increasingly couched in religious and cultural terms’ (Tezcan 2006, p. 31, 2012).

From the perspective of integration and conflict sociology, we have the apparently paradoxical effect of a dialogue that is unaware of its limits in the sense that the hierarchy and distribution conflicts of the immigration society cannot be resolved through inter-faith dialogue. On the contrary, playing the dialogue falsely suggests that these dialogue participants—who define themselves in cultural or religious terms and are without democratic legitimation—will be able to represent and lead all their immigrant cultural compatriots. Worse still, appealing to the deepest cultural layers and the highest theological truths can turn discussable conflicts and

problems into non-negotiable ‘either/or’ conflicts (Hirschman 1994, pp. 303–304.). Overstretching dialogue discourse can launch a spiral of escalating conflict.

In terms of conflict sociology, an inter-faith or intercultural dialogue is only helpful if it knows its limits, disciplines itself to set aside fundamental theological differences in favour of cultivating cross-cultural sympathies, and rejects any chief witness role, however attractive. But such a dialogue is also helpful to the extent that it creates equality through the symmetry of alternately placing each side in the role of guest and host. Its ritualized forms of exchange based on the laws of hospitality also generate social contact and sometimes even ties of friendship. Because of the stronger inhibitions involved, a switch from friendship to hostility (from the law of hospitality to the law of the jungle) is less likely than indifference turning into animosity.

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## 7 The Temptations of Culturalization

The development of the German immigration society does not have a single cause from which all consequences follow—it merely has a single starting point in the recruitment of ‘guest workers’. This starting point set in motion developments that—as the figuration analysis shows—end up as hierarchy conflicts that are currently threatening to become culturalized.

The transformation from a relatively culturally unaware German society seeking to make its economic miracle last by bringing in ‘guest workers’ into a culturalized immigration society described by the figuration shift is not inevitable. Culturalization is not the work of a few powerful conspirators, whose plans one need only discover in order to prevent a new form of cultural rather than necessarily racist apartheid. Even if such conspirators had existed, the figuration processes in the immigration society mean they would no longer be what they were at the beginning. The culturalization of social relations and conflicts is not a law of nature. It is much more the outcome of a process driven by the interaction of people, making it a social fact that is itself subject to renewed change and hence the responsibility of all those involved.

There might be resistance to the idea that contemporary conflicts involving (groups of) people identified as Islamic are by no means per se cultural, religious or value conflicts. In Germany one might object that no comparable conflicts with Italian or Spanish minorities were observed. Some might explain this phenomenon in terms of the ‘Christian/Western cultural substrate’ from which those minorities originate, and which they did not have to leave behind when they emigrated

Someone	Someone	Someone
<i>Older-established and new residents capable of acting and thinking; conscious of their cultural origins but not elevating these to the status of ultimate, unshareable values.</i>		

**Fig. 2** Immigration society with political culture

to Germany. My response to this debate is that, as well as sharing Christian origins, the migration pioneers of those groups were better educated, and the Italians, Greeks and Portuguese who arrived in the 1960s were not concentrated in particular industries and locations as the immigrants from Turkey were. Above all, the supposedly ‘unproblematic’ minorities all emigrated from countries that were regarded as friends. On the other hand, immigrants arriving from countries that were subsequently regarded as rogue states and sources of Islamic fanaticism and terrorism (since the Islamic Revolution of 1978 in Iran) are perfectly qualified to fill the outsider role in the eyes of the ushers.

The central concern of this chapter has been to cast light on the causes and possible negative side effects of the culturalization of hierarchy conflicts in Germany’s immigration society using the analytical perspective of conflict figuration. There is a great temptation for the partially disempowered ushers to maintain their privileges through cultural dialogues and by calling on chief witnesses. And policies that aim to do without the instruments of the welfare state may succumb to the temptation to gain leverage through culture debates and ‘integration summits’ rather than tapping supposedly scarce financial and fiscal resources. Moreover, many more or less sophisticated souls may succumb to the appeal of gaining a public hearing by throwing their culturally backed indignation—which cannot be refuted by any rational discourse—into the public arena (Hüttermann 2006, 103 et sqq., 2007, 205 et sqq.). But only if older established residents and the descendants of the ‘guest workers’ shout at one another: ‘I am rooted in my own cultural soil—I can’t help it!’ might it be too late for public conflict over interests to serve as an integrative political culture (Fig. 2).

We are talking about the side effects of transforming hierarchy and resource conflicts into indivisible cultural conflicts based on supreme otherworldly values. We are talking about the possibility of irreconcilable, supposedly cultural enmity between groups requiring an authoritarian Leviathan to prevent intergroup violence. In other words, we are talking about the price to be paid for the cultural sublimation of hierarchy conflicts. We are talking about an open society being at risk. To what extent are we talking about Europe?

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# Incorporating Muslim Migrants in Western Nation States—A Comparison of the United Kingdom, France, and Germany

Matthias Koenig

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## 1 Introduction<sup>1</sup>

Only recently has the religious dimension of international migration and integration moved up on the agenda of academic research and public policy. For a long time, and by following mainstream theories of secularization, both researchers and policy-makers tended to assume that traditional and religious attitudes of immigrants would successively dissolve in the process of acculturation and assimilation to industrial societies (for exceptions see Abramson 1979; Mol 1979). Similar assumptions were shared by theorists of multiculturalism who stressed that migration processes were accompanied by new claims for recognition of particularistic cultural or ethnic identities, but ignored the specifically religious dimensions of such identities (Modood 2000). More recently, however, scholars have started to acknowledge that religious practices play a crucial role in the construction of immigrants' identities, of immigrant communities or diasporas, and of transnational migrant networks (Baumann 1999; Ebaugh and Chafetz 2000; Werbner 2002). In a similar vein, policy-makers increasingly perceive integration problems in terms of the governance of religious diversity. For example, the German Federal Commissioner for Migration, Refugees, and Integration has coined the slogan "integration with R" to highlight the religious dimension of integration. (*Vom Dialog zur Kooperation* 2002, p. 77). In view of this new attention to religion in immigration and

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integration policies, one may ask how nation states respond to religious diversity. In other words, what factors explain varying policy reactions to the public claims of recognition based on the religious identities of migrants? And how does immigration contribute to institutional transformations of the nation state in the religious field?

In this article I address these questions from a comparative macro-sociological perspective by focusing on the public incorporation of Muslim immigrants in Western Europe. Sociological research on the approximately seven million Muslims who have settled in Western Europe as a result of large-scale labour migration and political refuge from a variety of Islamic countries in the post-war period has largely adopted and often reproduced the above-mentioned schemata of perception and interpretation. Thus research in the 1970s and 1980s often focused on problems of assimilation, acculturation, or integration of Muslims in “secular” modern European societies, with Islam being perceived as an essentially traditional, if not fundamentalist, religion or being trivialized as an aspect of ethnicity (for a review, see Tietze 2001). In the 1990s, when religion became a publicly more visible dimension of immigrants’ claims for recognition, more complex analyses emerged from the various modes of believing and belonging among Muslims in Europe. Borrowing their conceptual categories from post-colonial studies and the sociology of religion, these analyses highlighted the individuality, hybridity, and indeed the modernity of Islamic identifications in Europe, as well as the emergence of new Islamic networks and organizations, particularly among the so-called second and third generation of immigrants (Césari 1997; Pace 1995; Saint-Blancat 1995; Tietze 2001; Vertovec and Peach 1997). But despite its incontestable value, this line of research privileged the analysis of individual-level or group-level properties of Muslim minorities in various European countries. Meanwhile, deliberate policy initiatives, political opportunity structures, and institutional repertoires of European nation states and their respective effect on the incorporation of Muslim migrants in Europe have remained largely unexplored. As Rath, Penninx, Groenendijk, and Meyer (2001) recently observed, “Relatively little is known about the precise reactions of society, what obstacles to the advance of Muslim institutions it throws up or removes, or how these reactions can be explained” (p. 259). In their comparative research project on the institutionalization of Islam in the Netherlands, Belgium and the UK, Rath et al. moved in this direction by exploring a variety of external and internal factors of the institutionalization of Islam, which they find are “to a far greater degree determined by the societies in which Muslims settle than by the Muslims themselves” (p. 287; see also Zolberg and Woon 1999). Similarly, Fetzner and Soper (2004) tried to show that church-state relations—that is separation, concordatarian, and establishment models—are the crucial factors for explaining

differences in the accommodation of Muslim religious practices in the UK, France, and Germany. However, although these comparative studies have produced some important empirical findings, there is need for further theoretical analysis of the divergences and, as shown below, the convergences in public policy responses to the Islamic presence in Western Europe. In this respect, developments in the sociology of citizenship provide some additional theoretical leverage. These not only provide well-established theoretical tools for analysing the various institutional logics of incorporating migrants in the symbolic and organizational spheres of Western European nation states. They also highlight the structural transformation of the classical model of the nation state epitomized by the uncoupling of political organization and collective identity and the corresponding development of post-national forms of citizenship.

In my comparative analysis of the public incorporation of Muslim migrants in the UK, France, and Germany (Koenig 2003), I elaborate on these various strands of research. I argue that divergences in public policy responses to Muslim claims for recognition can be explained by varying institutional arrangements of political organization, collective identity, and religion that result from distinctive historical paths of state-formation and nation-building. Moreover, I contend that to the degree that immigration challenges nation states and contributes to the development of post-national forms of citizenship, it also induces isomorphic transformations of institutional arrangements of politics and religion, most notably the inclusion of religion as a legitimate category of identity in the public sphere. I present my argument in three steps. First, I sketch the institutional logic of religious politics and some of its historical variations in modern nation states. Second, I show how these variations shape the policy responses to public claims of recognition of Muslim migrants. Finally I sketch those aspects of the emergence of post-national or transnational forms of citizenship that directly affect the institutional logic of religious politics and explain some recent convergences in the public incorporation of Muslim immigrants in Western Europe.

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## 2 Varieties of Secularism in European Nation-States

Post-war immigration has been a major social process that has led to a thorough re-examination of previously implicit assumptions in the social sciences. It became increasingly clear that conventional methodologies, theories, and research questions in the social sciences, including the concept of *society*, were based on a “methodological nationalism” that presumes that societies were nationally bounded

(Glick-Schiller and Wimmer 2003). The burgeoning literature on transnational migration and citizenship thus forms part of a larger movement that reexamined the nation state as the institutional centre of modern social formations. This institutional form can be characterized by the coupling of a specific type of political organization, the sovereign territorial state, with a specific type of collective identity, the “imagined community” of the nation. Similarly, the classical institution of national citizenship understood as a set of institutionalized relations between the state and the individual comprises two elements. These are the rules of formal membership and individual rights through which individuals are incorporated organizationally into the state, and the forms of identification with the nation through which individuals are incorporated symbolically. That organizational and symbolic incorporation are intimately linked in the classical model of the nation state and that symbols of national identity have left their imprint on nationality laws, naturalization laws, immigration and integration policy are a major result of the recent sociology of citizenship (Brubaker 1992; Joppke 1999; Münch 2001; Soysal 1994; Wimmer 2002).

Against this background it is pertinent to reflect on the implications of the classical model of the nation state and of national citizenship for religious institutions and practices, and indeed for the very concepts of religion and secularity (Asad 2003; van der Veer and Lehmann 1999). In fact the place of religion in modern times has been strongly affected by the rise of the nation state as organizational center for projects of societal rationalization and symbolic focus for constructions of collective identity. On the one hand, the state gained organizational control over practices and institutions that were formerly under religious authority such as private and civil law, education, and science. On the other hand, religious symbols could be drawn on to construct national identities. Hence contrary to conventional theories of secularization (Casanova 1994), the separation of secular and spiritual authorities resulted in complex institutional arrangements of political organization, collective identity and religion, of which church-state relations are but one dimension.

To capture the institutional varieties of secularism in European nation states, one therefore needs to go beyond the classical distinction of models of separation, cooperation, and state or national church. A theoretically more consistent analysis can be developed by drawing on the well-established typology of polity models elaborated in neo-institutionalist research on citizenship regimes and other fields of public policy (Jepperson 2002; Soysal 1994). This typology is based on a cross-tabulation of two institutional dimensions: the degree to which the modern project of rationalization is carried out by a centralized state; and the degree to which the individual has substituted former feudal units as an autonomous actor. Four ideal

types of modern polities can thus be distinguished: statist-republican, liberal, state corporatist, and social corporatist polities. Each polity model provides a distinctive institutional environment for public policies, modes of incorporation, patterns of organization, and social protest movements. In addition, these models display elective affinities to varying constructions of national identity, which can be coded more in universalistic or more in particularistic terms (Eisenstadt and Giesen 1995). Although this is not the place to develop this typology in more detail, I sketch the implications of these models for institutional arrangements of religion and political organization by focusing on the cases of the UK, France, and Germany. (Space limitations do not permit me to consider all four models. Social corporatist polity models can be found in Scandinavian countries, Jepperson 2002.)

In liberal polities, no corporative units but only individuals are recognized as legitimate actors in the public sphere. However, the liberal polity refrains from incorporating individual actors into a centralized project of rationalization and only provides the legal guarantees and political conditions for the individual's rational pursuit of interest in civil society. This implies recognition of a pluralism of individual religious orientations in the public sphere while privileging an associational and voluntary mode of religious organization. Due to the weak degree of "stateness", conflicts between state and ecclesiastical authorities display only low profiles. Public religious policy is regarded less as a state affair and more as a decentralized process of negotiation in civil society. Despite the establishment of the Anglican Church since the Reformation, institutional arrangements of religion and politics have followed the liberal polity model in the UK. In a tradition of legal exemptions for individuals belonging to religious minorities, which started with the Toleration Act (1689) and continued until the Religious Exemption Act (1976), which exempted Sikhs from having to wear motor cycle helmets, the UK like other Anglo-Saxon countries has seen the development of relatively pluralistic modes of incorporation accompanied by a continual reconstruction of the symbolic boundaries of the British nation.

In contrast to the UK case, the French development of institutional arrangements of political organization, collective identity, and religion has taken another course. The political conflict between the Republic and the Catholic Church in the 19th century resulted in the separation of church and state (1905), which is still today reflected in the concept of *laïcité*. The historic path of relations between religion and politics thus follows the institutional characteristics of statist or republican polity models. Here the cultural program of modernity is institutionalized in a central state, and individuals are incorporated into the collective project of rationalization without taking into account their respective position in civil society. The public sphere is regarded as homogeneous and composed of formally equal individuals, whereas the representation of particularistic identities, especially those

that are categorized as religious, are excluded and restricted to the private sphere. Conflict characterizes the relations between the state and ecclesiastical authorities, and public religious policies focus on controlling the symbolic boundaries of the state and on projecting relatively homogeneous national identities in various social fields, notably in the educational system.

In state corporatist polity models, which are characteristic of the bi-confessional German-speaking space, individuals are incorporated into centralized projects of rationalization via corporative intermediate units. Religion is regarded as a component of the public sphere, and religious organizations are even invested with public or state functions. It is in their capacity as members of a corporative religious organization that individuals are perceived as religious actors. Hence, the state's public policy of religion is mainly concerned with regulating the public functions of corporative religious communities. The legal dimension of this model is the *Staatskirchenrecht* as it emerged in the Weimar Republic and was elaborated in the Federal Republic of Germany; where the rules of a selective cooperation between the state and the churches and not least the conditions for granting religious communities the status of "corporations of public law" are laid out. Its political dimension is the strong influence of the two Christian churches in the public arena, notably in the field of public policies vis-à-vis religious minorities.

Needless to say, the above-mentioned polity models are ideal types, and the three cases correspond to these types only to some extent. However, as I argue in the following section, they provide important conceptual tools for analysing the responses of various nation states to the public claims of recognition of Muslim immigrants in Western Europe.

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### 3 National Policy Responses to Religious Claims of Recognition

As a starting point for a comparative macro-sociological analysis of the public incorporation of Muslim immigrants, it is useful to analyse more systematically the claims for recognition articulated by this religious minority. Here I distinguish various types of claims that focus on varying aspects of the political project of modernity. Due to the centrality of the political arena in the cultural program of modernity, the content of claims for recognition can be aimed either at redefining the symbolic boundaries between the public and the private, the *secular* and the *religious*, or at gaining access to the political center. Furthermore, given the structural connection between political organization and collective identity in the classical model of the nation state, claims for recognition can address either the organizational structure

of the state or the prevalent symbols of national identity. Combining these two analytical distinctions yields four types of claims.

First, Muslim immigrants can contest the legitimacy of politicized symbols of national identity and request liberties for the articulation of different identities. Claims for the toleration of religious dress codes in the public sphere, of ritual slaughter, of the muezzin call, and so forth are examples of this type. Second, Muslim immigrants can call for their own autonomy in organizational spheres of society, for example, by asking for the establishment of subsidized private schools or the guarantee of religiously motivated exemptions from obligations in the state educational system. Third, more demanding are claims for tolerance. These are claims for recognition that call for a recombination of the central symbols of national identity, for example, by introducing new religious holidays in the national calendar or by extending the existing blasphemy laws. And finally, Muslim immigrants can call for an equal participation in the organizational centre of the state, which would allow them to influence the processes of societal construction without religious identities being excluded *a priori*.

Taking into account that public responses to such claims of recognition can be either rejection or approval yields a highly differentiated conceptual framework for analysing modes of public incorporation. It goes beyond Castles' (1995) classical distinction of differential exclusion, assimilation, and multiculturalism by distinguishing more clearly between organizational and symbolic incorporation. It also specifies some elements of Alexander's (2001) recent useful attempt to systematize modes of incorporation by distinguishing between the inclusion of individuals and that of their attributes. What he describes as multicultural incorporation—the inclusion of outsiders not only as individuals, but also the recognition of their particularistic attributes or qualities—is a positive reaction, albeit after struggles and negotiations, to claims of recognition aimed at tolerance and participation.

Before using this conceptual framework to analyse the incorporation of Muslim immigrants, it is necessary to point out that the extent to which claims of recognition have been articulated by this group depends at least to some degree on their formal citizenship status and typical patterns of migration. Thus in Western Europe claims for the recognition of Muslim religious identities began only in the 1970s when European industrial states adopted more restrictive policies of immigration accompanied by programs of family reunification and integration policies including naturalization. Whereas the politics of Muslim recognition focused first on claims of toleration and autonomy, claims of tolerance and participation appeared later. As the carrier groups of more demanding claims, the so-called second and third generation, had started to acquire formal citizenship and electoral rights, this sequence is not surprising even if the timing varies from country to country.

In the UK, where even the first generation of Muslim immigrants had easy access to formal membership by virtue of their status as Commonwealth subjects, Muslim claims for recognition entered the public sphere about a decade earlier than in France, with Germany following only in the 1990s when *ius sanguinis* (right of blood) elements of nationality became increasingly supplemented by *ius soli* ("right of soil") elements.<sup>2</sup>

In the UK the incorporation of Muslim immigrants generally followed a pattern of continual negotiations of rights between actors of civil society and the government. Because of decentralized government, negotiations often took place at a local level. Claims for the toleration of religious symbols and for autonomous organizational spheres, including the building and registration of mosques, establishment of Muslim cemeteries, permission of ritual slaughter, exemption from religious instruction and school worship were granted as early as the 1980s. Even Muslims' claims for political participation at the local level did not go unnoticed at this time; for example, Muslims participated in the drafting curricula for multi-religious instruction in public schools (Dwyer and Meyer 1995; Nielsen 1999). However, resistance was encountered in the sense of recognition of religious difference in the set of national symbols. To be sure the government had already institutionalized the idea of a multicultural society in the anti-discrimination laws of the Race Relations Act (1976), but religious discrimination was explicitly excluded from these laws. The Education Act (1988), contrary to local practice, even strengthened the Christian character of school worship and confirmed the privileged status of confessional private schools. The Rushdie affair, in which British Muslims demanded the extension of blasphemy laws protecting the Anglican faith, highlighted the symbolic boundaries between Islam and the British nation and functioned as a catalyst for the organizational mobilization of Muslims in the national public sphere. Hence in the 1990s Muslim claims for recognition focused predominantly on the granting of equal public subsidies for Islamic private schools and on a law against religious discrimination. In the liberal polity model, pluralistic modes of incorporation seem to have developed in a rather bottom-up process without much conflict. Conflict arises only to the extent that claims focus on the modification of symbols of British identity. Yet even with respect to Protestant or other Christian elements in the set

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<sup>2</sup> Due to differing citizenship regimes and policies of naturalization, the number of Muslim immigrants with formal citizenship status still varies today. In the UK 80–90 % of the Muslim population, mostly from Pakistan, India and Bangladesh are British citizens; in France, about 50 % of the Muslim population, mostly of Maghrebian origin, hold a French passport; in Germany only 10 % have become German citizens; for details on these demographic data see Koenig (2003).



of British national symbols can be seen the potential for pluralistic modes of incorporation. Thus it is no accident that many Muslims have expressed themselves in favour of the establishment of the Anglican Church, arguing that, unlike secularist multiculturalism, it recognizes the positive role of religion in the public sphere (Modood 1994, 2000).

In sharp contrast to the British experience, all four types of Muslim claims for recognition have encountered strong resistance in France. This is basically due to the high degree of the state's centralization of public functions together with the national symbol of *laïcité*. Religious claims for recognition are thus easily perceived as transgressing the symbolic boundary between the public and the private, or as polluting the sacred core of the nation. Particularistic, "religious" identities are relegated to the private sphere while the public sphere is defined in expansive terms, as shown by the notorious controversy about female students wearing the veil in public schools. Furthermore, perhaps paradoxically, the state intervenes vigorously in the politics of Muslim recognition. Since the 1990s the government has attempted to create a central representative organization of French Muslims. After the failure of the Conseil de Réflexion sur l'Islam en France (CORIF) created by Pierre Joxe in 1990 and a similar initiative of Charles Pasqua, Pierre Chénement initiated consultation with Muslim associations, which had to declare their compliance with the core values of the French Republic in order to participate. These attempts of controlled organizational incorporation, which resulted in the creation of the Conseil Français du Culte Musulman (CFCM) in 2003 (Sevaistre 2004), would be inconceivable in the UK. Hence to the degree that pluralistic modes of incorporation developed at all, they were highly controlled by the state.

In the state-corporatist polity, which is characteristic of the German case, incorporation has similarly been controlled by the organizational centre of the state. However, it took a different form than in France, centring on legal questions of including Islamic organizations in the system of privileged relation between the state and religious communities. Since the 1970s Muslim groups have applied for the status of a corporation of public law (*Körperschaft des öffentlichen Rechts*). For a long time these attempts were without success, as were similar claims to have Islamic religious instruction established in public schools. Although policy-makers began to remove some obstacles in the 1990s, notably in the field of education, such claims have met continual resistance by the administration and the courts (Jonker 2002). The major obstacles to the development of more pluralistic modes of incorporation were particularistic or ethnic codes of national symbols in Germany, which reinforced the public perception of Islam as an essentially foreign religion.

Although these institutional arrangements of political organizations, national identity, and religion characteristic of each case and its underlying polity model

explain divergent patterns of organizational and symbolic incorporation of Muslim immigrants, a further step may be to ask how they shape the forms of collective organization and identification among Muslims themselves. For example, corporatist polities can be expected to lead to the development of hierarchically structured religious organizations and recent attempts of Muslim organizations to form corporations of public law in Germany point in that direction (Jonker 2002). Furthermore, one may hypothesize that Muslim collective identifications crystallize around the dominant national symbols of each polity, as exemplified by Bencheikh's (1998) attempt to formulate a French Islam compatible with a strong concept of *laïcité*. Preliminary evidence suggests that the institutional environment of incorporation does indeed affect claims for recognition articulated by this particular group.

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## 4 Human Rights and the Politics of Religious Recognition

The successive emergence of more pluralistic modes of incorporation in all three cases has been accompanied by noticeable institutional changes. Increasing awareness of the religious dimension of integration policies has led to contestations and debates about the future of the Anglican establishment (Modood 1994), of the French *laïcité* (Willaime 1991), and of the German *Staatskirchenrecht*. These debates, which are triggered by religious claims for recognition of immigrants, have been increasingly framed in the cognitive and normative categories of a human rights discourse that focus on the individual's right to religious freedom and on the collective rights of minorities.

Following neo-institutionalist theories of citizenship (Soysal 1994; Shanahan 1999), these convergences can be explained by far-reaching changes in the institutional or cultural environment of modern nation states. In fact the classical model of the nation state has been de-institutionalized in the post-war period by two transformations that directly affect the institution of citizenship: the uncoupling of membership and rights, and the uncoupling of membership and identity. First, the transnational diffusion of ideas about human rights and their institutionalization in international organizations both governmental and non-governmental has established a status of universal personhood, to which rights are, at least in principle, attached independently from formal state membership or nationality. Although a strong version of this thesis is controversial (Joppke 1999), it still seems to hold at least in a weaker version, emphasizing that human rights discourses provide new repertoires of contestation and justification to both individuals and states and hence

change domestic political dynamics (Gurowitz 1999). Second, in the transnational human rights discourse, new rights have proliferated that clearly go beyond the classical European political tradition. Of particular importance in this respect is the further specification of rights of equality and non-discrimination in articles on individual rights to cultural identity and minority rights, as they oblige states to adopt a proactive approach to promote the identity of ethnic or national, linguistic, and religious minorities in their territory (Koenig 1999, 2005). Since the 1990s in particular, the concept of a right to cultural identity has taken hold in transnational human rights discourses, as demonstrated by the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), the UN Declaration of the Rights of Persons Belonging to Minorities (1992), or a variety of activities of the Council of Europe and the Organization for Security and Co-operation in Europe.<sup>3</sup> Therefore, as political organization and collective identity have become increasingly differentiated, new categories of identity have been legitimated and sanctioned in the public sphere, including religion.

As a consequence of the emergence of new institutional bases of rights and the transnational diffusion of a multicultural citizenship model, we may expect institutional changes in a variety of policy fields including immigration, integration and, as I argue, the management of religious diversity. Despite the historical path dependencies of institutional arrangements between political organization, collective identity, and religion, there are several points of convergence that accumulated in the 1990s. Thus in all three cases the emergence of more pluralistic modes of organizational incorporation can be discerned that largely correspond to the globally diffused model of multicultural citizenship. In the wake of the selective adaptation of this citizenship model, European states have started to develop new routine relations with religious minorities. Without officially privileging a particular religious organization, governments increasingly cooperate with organized religious bodies in many institutional fields including education, welfare provision, legislation, and jurisdiction. An important factor that explains this convergent development is the above-mentioned uncoupling of formal membership and national identity in transnational discourses of human rights, according to which states are obliged to recognize and even promote ethnic, cultural, and religious difference. The Council of Europe, for example, increasingly monitors state policies vis-à-vis Muslim minorities in Europe and exercises normative pressure on governments to

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<sup>3</sup> The Migrant Workers Convention (UN Doc. A/Res/45/158) came into force in 2003, although no Western state has yet ratified it. The Convention affirms the rights to religious liberty (Article 12) and demands “respect for the cultural identity of migrant workers and members of their families” (Article 31).

adopt legislation prohibiting religious discrimination. The European Commission Against Racism and Intolerance (ECRI), which has formulated a Policy Recommendation “Combating Intolerance and Discrimination against Muslims” (Council of Europe, Doc CRI [2000] 21, p. 5), has particularly criticized the French republican model of relegating religious diversity to the private sphere, but also the ethnic definition of German nationhood and the British blasphemy laws (Council of Europe, Doc CRI (98)47; Doc CRI (2001)36; Doc CRI (99)). States respond to these expectancy structures with legislative changes and administrative policies. For example, debates about potential legislation on religious discrimination in the UK—one of the recurrent Muslim demands in the 1990s—have explicitly referred to European legal standards of human rights (Hepple and Choudhury 2001).

In this context it is important to highlight that the effect of world polity factors does not necessarily consist of processes of legal standardization and does not necessarily lead to full institutional isomorphism. Rather, it should be conceived in terms of processes of normative pressure and imitation amounting to a successive diffusion of cognitive and normative schemata such as the cultural idiom of human rights, processes that interact with historical path dependencies of nation states’ institutional arrangements. An important carrier group of such globally institutionalized, locally readapted cognitive and normative schemata is the legal profession; legal professionals often function as institutional entrepreneurs who translate global expectancy structures into public policy projects. Thus the French Conseil d’État interpreted its decision about the wearing of headscarves in public schools, which emphasized the pluralism of religious convictions, by referring to provisions for religious freedom made by the UN and Council of Europe (William 1991). Even the more recent legal prohibition of visible religious signs in public schools, which reaffirmed a strict interpretation of French *laïcité*, was framed by references to global and European norms of religious liberty.<sup>4</sup> Yet perhaps even more significantly, the Muslim minorities themselves are carrier groups of human rights ideas in that they draw on the repertoires of contention legitimated in transnational discourses to justify and to give weight to their claims for public recognition (Soysal 1997; Koopmans and Statham 1999). The Action Committee on Islamic Affairs and other bodies in the UK regularly framed their demands for revision of the blasphemy law, introduction of anti-discrimination legislation, and state support for Muslim private schools in the cultural idiom of religious rights.

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<sup>4</sup> The Report to the Président *Laïcité et République* written by a Commission of political and intellectual leaders under Bernard Stasi to prepare new legislation explicitly places the French tradition in a broader international perspective; see Commission de réflexion sur l’application du principe de laïcité dans la République (2003).

Similarly, the Islamic Charta formulated by the Zentralrat der Muslime in Deutschland, one of the major umbrella organizations of Muslims in Germany, has declared compliance with human rights standards. In the French case, however, it was the state that formulated the *Principes et fondements juridiques régissant les rapports entre les pouvoirs publics et le culte musulman*, in which French Muslims had to declare their respect of human rights. To what extent the reference to transnational repertoires of contestation also affects the internal dynamics of communication and conflict in the Muslim population, for example in the field of gender relations, remains to be seen.

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## 5 Conclusions

In sum the analysis of the incorporation of Muslim immigrants in Western Europe shows that how nation states respond to religious diversity is, on the one hand, shaped by the institutional arrangements of political organization, collective identity, and religion characteristic of the historical trajectories of modern nation states. On the other hand, it also shows convergent trends that correspond to the development of cognitive and normative expectancy structures at the transnational level and amount to a uncoupling of political organization and national identity. Hand in hand with the emergence of multicultural modes of incorporation, we thus witness new politics of religious recognition that are characterized by the inclusion of *religion* as a legitimate category of identity in the public sphere and by successive symbolic boundary shifts between the religious and the secular (Zolberg and Woon 1999). Retrospectively, this analysis suggests that the classical nation state is considerably less secular and certainly less neutral than is often assumed (for a normative discussion, see Bader 1999; Carens and Williams 1996).

Finally, the analysis of incorporation patterns also shows tentatively that the varying institutional arrangements of European nation states and the dynamics of their transformation shape the reconstruction of collective identities and the establishment of transnational networks among Muslim immigrants themselves.

With increased concerns about security in the field of immigration and integration policies and increased public sensitivity to the religious underpinnings of terrorism, it may be hoped that further research on the multifaceted interplay of statehood, national identity, and religion in the process of migration will contribute to a more nuanced perception of religious claims for recognition in public debate.

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# Muslim Mobilization Between Self-Organization, State-Recognized Consultative Bodies and Political Participation

Jonathan Laurence

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## 1 Introduction

The practical accomplishments of representative bodies for state-Islam consultations or Islam Councils (e.g., *Conseil français du culte musulman*, *Deutsche Islamkonferenz*) continue to be a matter of controversy, with some national bodies of Muslim religious representatives lying in disrepair or dysfunction. But these Councils have exerted an important influence on the claims-making behavior of federated Muslim religious associations and thereby contributed to their integration into local repertoires of contention. How can we characterize responses from Muslim organizations to State-Islam Consultations? This chapter addresses the achievements of state-mosque relations and the “incorporation” outcomes that can be measured so far (1989–2011). What is the stability and performance of Islam Councils across the countries? How have the policies to create representative bodies conditioned political claims making, and what impact do they have on the long-term prospects of Muslims’ everyday integration in Europe? I will empirically trace the effects of European policy approaches and demonstrate that they have had a dramatic effect on Muslim communities: on their domestic orientation, their reformed organizational structures, their outspoken distancing from violence and radicalism, and their outward commitment to playing by the rules of the game. This chapter will provide evidence that host societies as well as Muslim community leaders—and the scope of their agendas—have been transformed by the experience

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of institutional integration. “State” and “community” know one another better and have begun to identify areas of common interest—from religious education in public schools to the appointment of chaplains in prisons and the armed forces—where institutionalized cooperation has proven mutually beneficial.

Muslims in Europe today have yet to experience full political integration—their residual foreign citizenship will prevent that until a majority are European citizens over the voting age—but increasing numbers of leaders are being received in the halls of power. The predominant scene of state-Islam interactions is not just of unabated conflict but of government officials sitting down with Muslims to address issues associated with domestic Islamic observance. As a result of meticulous institution-building by Interior Ministries across the continent, these meetings are no longer the ad hoc gatherings of foreign dignitaries they once were. In practice, authorities have effectively opened up communications channels that serve both as a sounding board for the putative Muslim community and as a temporary substitute for the millions of citizens and residents of Muslim origin who are, for the time being, without significant electoral representation. Islam Councils have even begun to achieve some concrete instances of “domestication,” such as the oversight of halal slaughter, the nomination of chaplains in the military, the organization of religious education in public schools, the endowment of university departments of Islamic theology, and civic training for imams.

Both the diplomatic religious networks and Political-Islam networks have been profoundly changed by their experience in Europe, in unforeseen ways. The content of “Embassy Islam” (Maréchal et al. 2000) has been both multiplied and adapted to the new circumstances of state-mosque relations. And some Islamist groups in Europe have showed signs of a practical-minded evolution. The Islam Councils have begun to demonstrate that over time, a new politics of distinctly European state-mosque relations can emerge.

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## 2 Muslim Responses to the State-Islam Consultations

How have the two organizational protagonists of European Muslim communities—Political Islam and Embassy Islam—responded to Europeans’ state-building efforts? This is a topic I treat at greater length in *The Emancipation of Europe’s Muslims*, where I argue that the main mosque federations have undergone a process of “domestication” in two significant ways: by participating in the state-mosque relations, and by taking steps to become less “foreign” in terms of personnel and religious content. The state’s recognition, however imperfect, has reduced the stridency of

organized Muslims' religious demands and taken federation leaders out of a defensive posture. This chapter makes the argument that Islam Councils have helped achieve an important degree of organizational incorporation, as defined in terms of certain "moderated" and "adapted" behaviors by the representatives of Embassy Islam and Political Islam. Where states adopt a more "neo-corporatist" path—as defined by the formalization of state-mosque relations in a hierarchical and monopolistic Islam Council—we observe a more successful path to the institutionalization, predictability, and moderation of Islamic organizations and the religious accommodation they expect from majority societies. Each Muslim sending state refined its Embassy Islam in response to specific incentives in national host states, and Political Islam groups—originating in Turkey, South Asia, and North Africa—also adapted their own goals to each European country in which they operate. The second half of this chapter will demonstrate how this occurred in the second stage of "incorporation" and not during the earlier "outsourcing phase," suggesting that Islam Councils have provided a set of effective institutional incentives.

During the 1980s and early 1990s, before the inclusion of Political-Islam groups in state-Islam consultations in Europe, many Islamist leaders still exhibited an "old country" mentality reminiscent of the tensions between government-sponsored religion and Islamist political parties in North Africa and Turkey. Embassy-Islam federations ignored their competitors or berated them for their fundamentalism, and Political-Islam groups were in turn confrontational with public authorities and made maximalist demands for religious accommodation in the public sphere.

In the first decade of the twenty-first century, by contrast, Political-Islam federations have demonstrated a willingness to work within the system and have toned down their most controversial stances. For Political-Islam groups, the influence of being *included* in state-led consultations—or, often, the mere possibility of being chosen for government consultation—has had a moderating effect. Between the late 1990s and early 2000s, they adopted repertoires of collective action that are typical of their new national contexts. They also asserted their independence from Islamist positions in the "homeland" and, at times, even from the positions taken by European "headquarters" (e.g., the UK-based Federation of Islamic Organizations in Europe).

Participants have repeatedly declined to engage in inflammatory rhetoric when presented with the opportunity to defend Islam in public debate, such as during the 2003–2004 legislation against headscarves in France and Germany; the 2006 Danish "prophet cartoon" controversy; the Pope's Regensburg speech; the 2008 Dutch "Fitna" movie broadcast on the internet; or the 2008–2009 legislation against burkas in France, Italy, and the UK. Italian Muslim leaders no longer speak of a Muslim's right to polygamy, French Muslim leaders no longer insist upon ritual burial without coffins, German Muslim leaders have dropped their insistence on religious

education in Turkish language, British Muslim leaders avoid any ambiguity regarding death sentences for blasphemous authors. Islamist leaders have eschewed street demonstrations in favor of lobbying and lawsuits, and demonstrated an interest in keeping hold over administrative gains in the technical realm of state-mosque relations. Political-Islam federations' response to the political violence committed in the name of Islam—notably, the series of the terrorist attacks and hostage-takings between 2001 and 2006—proved to be decisive in eliciting clear denunciations of violence. The institutional opportunity of state-Islam consultations created a channel of communication and a political opportunity structure.

For Embassy Islam, on the other hand, the possibility of being *excluded* from government consultations—or at least seeing their role greatly diminished—has led to a similarly dramatic overhaul. Embassy-Islam federations that once did business only in their mother tongue, staffed their operations with diplomats, and refused to acknowledge the existence of unofficial religious groups, have changed their ways. The offering of official Islam from the erstwhile “sending countries” has been multiplied and adapted to the new circumstances of greater national oversight in European host states. And Turkish, Moroccan, and Algerian ministries of religious affairs have begun to accept greater oversight by European governments over the religious infrastructure they organize for Muslim diasporas. Thus, even while more personnel and infrastructure is exported toward Europe, a degree of autonomy has also been granted to national European branches of Embassy-Islam networks, and the sending states are more likely to work in concert with European governments. They have oriented and adapted their religious programs to the national contexts of European receiving societies. Imams who arrive from national capitals in Algeria, Morocco, Pakistan, and Turkey, for example, now attend destination-specific civic, political, and linguistic training courses. Groups with close home-country links have appointed greater numbers of European-born Muslims to executive positions, and regularly meet with rival federations in official contexts.

Councils are in their relative infancy compared with state-religion organs for Christians and Jews. Some Islam Councils have already experienced crises of legitimacy, instances of corruption, and, occasionally, resignations. Even the most “successful” consultations—e.g., in France and Germany—are not a panacea for eliminating extremism and all undesired foreign influences over religious practice, but they do provide a crucial institutional link between the state and community leaders. This relationship has already served the mundane purposes of technical accommodation of religious needs and acted as a sounding board during extraordinary times of crisis. Populations of Muslim origin in Europe today are not yet politically integrated, but institutionalized government consultations on religious matters involve ever-greater numbers of Muslim association leaders. As a result of

meticulous institution-building by interior ministries across the continent, authorities have opened up new conduits for addressing the material needs and religious sensibilities of a minority population that is, for the time being, without significant electoral representation.

The impact of cross-national variation in the design of Islam Councils is observable in the councils' institutional stability and concrete outcomes, and the main factor appears to be the organizational strength and mobilizational capacity of the principal sending states' religious institutions, i.e., Embassy Islam. Where it is more institutionalized and dominant in the homeland, its indirect mediation offers European governments a stronger interlocutor. Where it is weaker, the religious landscape tends to be dominated by religious NGOs with more political views, and institutional progress stalls. The most successful councils are sturdy enough to contain these religious NGOs. Embassy Islam plays a moderating role and foil for extremists. The irony of this situation is that it perpetuates foreign governments' influence on "European" Islam, and this explains why it is still premature to speak of an "Italian Islam" or "French Islam" or "Euro-Islam."

This chapter examines the political behavior of Islamic associations before and after incorporation and shows how they have responded to the neo-corporatist political opportunity structure. "Radicals" have moderated their demands, trading in their earlier ideological and obstructionist positions for newly pragmatic and cooperative stances: they went from street protests and intimations of violence, to lobbying and pledges of constitutional loyalty. Sending states are adapting the content of their religious programming to the new demands of European host societies. In many cases their adaptations are attempts to seek a competitive edge vis-à-vis their public interlocutors: a French official compared this dynamic to "each pupil wanting to showcase his merits to the teacher."<sup>1</sup> If we examine the positions of leaders of federations in the periods before and after consultations, the contrast in attitudes and behavior is striking.

Between 2002 and 2006, four major Political-Islam organizations were invited—directly or indirectly—to participate in official state-Islam consultations: in France, the UOIF (2002); in Italy, the UCOII (2004); in Germany, the IGMG (2006); in the UK, the MCB (2006).<sup>2</sup> One measure of the impact of state-Islam consultations can be seen in these groups' claims-making activities before and during participation in the recently established Islam Councils. Whereas during the early 1990s Political-Islam leaders started off standoffish in administrative negotiations and

<sup>1</sup> Interview by the author with Didier Leschi in Paris, Chef du Bureau central des cultes, March 2009.

<sup>2</sup> The IGMG via the Islamrat; the MCB had already been an interlocutor from 1997 to 2005.

were reluctant to denounce fellow Muslims' use of political violence, their participation 10 years later in neo-corporatist councils has coincided with their evolution into interlocutors who are more likely to distance themselves from extremism and who have become amenable to discussion and debate. The following examples will provide side-by-side comparisons the reactions and behavior of Political-Islam federations during crises of religious sensibility in the first period (1990–1999) with roughly equivalent moments in the second period (1999–2009).

## 2.1 Early Consultations: “It’s in the Qur’ân”

Because of Embassy Islam’s dominant position, Political-Islam leaders had little invested in early consultations, and acted as though they had little to lose. In negotiations with administrators, they took an all or nothing approach, they defended literalist interpretations of Qur’anic injunctions, and they would obstinately repeat themselves when administrations asked for clarification of their intentions.

Upon making their first overtures of consultation at the outset of the second stage, administrators encountered in Political-Islam organizations an inflexible negotiating partner. From the Islamische Föderation in Berlin (linked to *Milli Görüş*) which in the late 1990s declined the German standard ministerial oversight for its religion curriculum; to the UCOII in Italy, which demanded the rearrangement of work schedules around Muslim holidays and free land on which to build mosques.<sup>3</sup> The Islamische Gemeinschaft-Hamburg published a fatwa restricting schoolgirls’ participation in school trips if their male chaperones were more than one day’s camel ride away (Nouripour 2007). Political-Islam leadership did not display much interest in establishing nonviolent credentials; some were accused of downplaying Islamist violence—especially in Israel and the occupied territories—or even silently granting their approbation of terrorist methods. Islamist leaders in Europe did not have many incentives to demonstrate tolerance toward other religious groups or to engage in interreligious dialogue, and similarly, they had no real institutional opportunity structure to compel them to engage in professionalization.

During the transition from “outsourcing” to “incorporation, Political-Islam leaders lived up to administrators’ low expectations. Advisors to the French, German, and Italian interior ministries said in interviews conducted by the author that Political-Islam leaders discussed issues such as Muslim sections in cemeteries (in

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<sup>3</sup> Interview by the author with Renate Eichenhorn in Berlin, Berlin State Ministry of Education, June 2000; interview by the author with Fabrizio Spinetti, January 2000.

France) or religious curriculum (in Germany) in a confrontational fashion (Laurence 2012). These early proto-consultations, which were mostly informal and never officially institutionalized, encountered Political-Islam leaders who were contemptuous of bureaucratic inquiries. As a result, these initial attempts at state-mosque relations suffered from blockage and even collapse at the hands of uncooperative Political-Islam leadership.

## 2.2 1989: The Rushdie and Headscarf Affairs

Three defining moments for Political Islam's public position in European societies took place between 1988–1990—the Rushdie affair, the first headscarf affairs, and the first Gulf War—and each incident elicited decidedly confrontational behavior and maximalist rhetoric from Political-Islam leaders at the time. Whereas Embassy-Islam envoys reacted limply, with diplomatic aplomb, the recently created Political-Islam federations found their niche as public defenders of Islam. Their confrontational stances and sharp rhetoric were a mark of their outsider status, as they were excluded from state-mosque relations such as they existed in the late 1980s. This helped raise concerns within interior ministries and contributed to a reassessment of their exclusion and the eventual end of Embassy Islam's monopoly.

The publication of the *Satanic Verses* elicited much scorn from Political-Islam groups. Milli Görüş (IGMG) affiliates in Germany asserted that *Satanic Verses* had been published by the CIA, and that the UK government was participating in a “slander campaign” against Muslims. The head of the IGMG in Denmark said that Judaism was the source of decay and social unrest, and that the ideologies of capitalism and communism could be traced back to Jewish origins (Pederson 1999, p. 93). In France, UOIF spokesmen warned that they could not hold their constituents back from taking to the streets. Some associations even expressed support for the fatwa against the author Salman Rushdie. The UOIF and FNMF held demonstrations in February and March of 1989 in Paris to demand the book's withdrawal, and other Political-Islam associations held a protest in March in Lyon. UOIF and FNMF leaders used ominous rhetoric while asserting their demands. A FNMF spokesman said, “There are going to be confrontations. We risk being overcome by uncontrollable elements” (Tincq and Lesnes 1989); and a UOIF leader warned, “If the book is displayed in store windows there could be spontaneous reactions.” (Tincq 1989a) The Socialist Party spokesman equated the subsequent demonstration of one thousand opponents to the publication of Rushdie's novel to a “call for murder.” (Tincq 1989b) The culture minister and his Socialist Party supported demonstrations in favor of the book's publication in France, and the

Mayor of Paris, Jacques Chirac, expressed his “outrage” at the image of Muslim demonstrators in Paris: “If they’re French, they must be prosecuted and if they’re foreign they must be deported. . . we cannot tolerate calls for murder in the capital of human rights.” (Tincq 1989b) A UOIF leader said he “would have expected more neutrality from the government.”

Similarly, when three schoolgirls were expelled from a Creil middle school for wearing headscarves in 1989, the UOIF took up their case, vowing resistance and calling for street demonstrations to protest the decision. Across Europe, Political-Islam leadership, which was just beginning to form peak associations to compete with Embassy-Islam organizations on European soil, took a hard line. One German Muslim activist, who nearly two decades later would become head of the ZMD, defended headscarves with the comment: “Girls lose their sense of modesty as early as elementary school.” A French FNMF co-founder said on the topic of the obligation to wear the headscarf, “if the Conseil d’Etat does not decide in our favor, we will withdraw our girls from French schools.” (Tincq 1989c) While the leader of the Embassy Islam-affiliated Grande Mosquée de Paris (GMP) spoke of finding “amicable solutions,” and tried to tamp down the confrontation, competing Political-Islam federations held demonstrations in Paris on October 22 and November 5, 1989 (the GMP leader called those street protests “regrettable”) (Tincq 1989d).

### 2.3 After: Auditioning for the Role of “Privileged Interlocutor”

Many of the most prominent Political-Islam federations across Europe have moderated their stances and repertoires of political participation: the Muslim Association of Britain (a constituent organization of the Muslim Council of Britain), the *Union des Organisations Islamiques de France* (UOIF is part of the CFCM), *Unione delle Comunità e Organizzazioni Islamiche in Italia* (UCOII was a member of the *Consulta per l’Islam*), *Islamische Gemeinschaft Milli Görüş* and *Zentralrat der Muslime in Deutschland* (member organizations of the *Islamrat* and the *Koordinierungsrat der Muslime*, respectively, both of which participated in the *Deutsche Islam Konferenz*). The effect seems to have been atmospheric and not merely tied to the circumstance of being officially “co-opted” as an official interlocutor. Even for those Political-Islam federations not currently consulted by the interior ministry in a given European country, their public statements and policy positions appear to reflect a fundamentally state-friendly stance.

In various political contexts, Islamist leaders have gradually bound their organizations to institutional confines, political norms, and expectations of state-mosque relations. They no longer made “maximalist” demands for immediate religious



accommodation; they countenanced restrictive policies on religious freedom like headscarf wearing; they increased their denunciations of terrorism committed in the name of Islam; in response to perceived attacks on Islam in the public sphere, they opted for lobbying and lawsuits over street protests; without abandoning their solidarity with Palestinians (nor, often, their disdain for Israeli leaders), they distanced themselves from expressions of anti-Semitism (Laurence and Vaïsse 2006).<sup>4</sup> The CFCM in France has met regularly with the Jewish umbrella organization CRIF; the Italian Political-Islam federation, UCOII, organized a visit for its leaders to the extermination camp at Auschwitz-Birkenau in the spring of 2009.

The “Charter of Muslims in Europe” signed in Brussels in 2008, for example, can be evaluated in light of the political opportunity structure created by state-Islam consultations. The six pages of bullet points—pledging allegiance to their host societies—were issued by the Federation of Islamic Organizations of Europe (FIOE), the thriving network of mosques and prayer spaces in twenty-seven countries that is considered the European branch of the Muslim Brotherhood movement. The charter outlines “how we should act as positive citizens and not be a threat,” a spokesman said. The document, ratified by FIOE representatives in all European Union member-states, includes a call for all Muslims in Europe to “enhance the values of mutual understanding, work for peace and the welfare of society, moderation and inter-cultural dialogue, removed from all inclinations of extremism and exclusion.” By enjoining its membership to strike “a harmonious balance between preservation of Muslim identity and the duties of citizenship,” the FIOE charter of January 2008 continues down a path strewn with earlier such unilateral declarations of good intentions: a 1990 Bozza d’Intesa in Italy, the 1995 Charte du culte musulman en France, and the 2002 islamische Charta in Germany, among others. In response to the Italian interior ministry’s announcement of plans for the Council, a number of prominent Muslims published a “Loyalty Pact to the Italian Republic” in May 2003.

Though all Political-Islam federations strongly denounced the 9/11 attacks, they also issued statements condemning the American-led invasion of Afghanistan and later, Iraq. But they also routinely condemned hostage taking and the deaths of Western journalists and aid workers—and even soldiers—in the two battle zones (e.g., Italian Carabinieri who died in Nassiriya in 2004 and French soldiers killed in Afghanistan in 2008).<sup>5</sup> In the last 6 years, Political-Islam federations across Europe

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<sup>4</sup> Also, a Norwegian affiliate of the ECFR condemned the remarks of Yusuf al-Qaradawi in which he said the Holocaust was “divine punishment.”

<sup>5</sup> A CFCM Communiqué stated, in part, “The CFCM joins the whole of the nation to give homage to the French soldiers who died in Afghanistan while accomplishing their mission

have loudly condemned terrorist incidents from Madrid to London, Glasgow, and Mumbai, as well as hostage situations involving European citizens and aid workers in Iraq, Afghanistan, and Yemen. This too represents a change in behavior and message from an earlier era. Oğuz Ücuncü, general secretary of Milli Görüş in Germany, said that his federation was committed to using sermons and programming in mosques as a counter-terrorism measure:

We condemned the terrorist attacks of March 11 [in Madrid] as we did on September 11, and we condemned any other act of terror. So as a Muslim organization we did our duty and we condemned the terror on the very first day of any such attack. . . . But what we did as an Islamic organization is more than just demonstrating. We have been using our infrastructure in order to condemn the terrorist attacks and violence in general, but also to inform our people to not give any kind of support or sympathy to terrorists.<sup>6</sup>

At regular intervals since 2003, Political-Islam federations involved with State-Islam consultations in Germany, France, and Italy have proposed sending delegations to help free hostages. A CFCM delegation including the UOIF addressed kidnappers of two French journalists at a Baghdad press conference in 2004: “Show us you are good Muslims like us and hand over the hostages.” Political-Islam leaders in France refused to call for a repeal of the headscarf law at the time as the kidnappers demanded, saying that amounted to “odious blackmail.” (Laurence and Vaïsse 2006) Nadeem Elyas of the German Zentralrat der Muslime even offered to take the place of German hostages in Iraq, and the Muslim Association of Britain called for the unconditional release of British hostages on the Al Jazeera news network.

Despite violent reactions to publication of Danish cartoons mocking the prophet Muhammad, the absence of unrest on the European continent was noteworthy.<sup>7</sup> When the caricatures deemed offensive to the image of the Prophet Mohammed were republished in two French periodicals, furthermore, the UOIF did not take to the streets but instead joined a lawsuit (together with the *Grande Mosquée de Paris*, a rival Embassy-Islam federation).<sup>8</sup> The UOIF “judged that [the cartoons]

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of peace and protection of civilian populations.” it also “deplored” the death of civilians, but ended by expressing its “respect for the French army for its acts on behalf of world peace.” Paris, August 23, 2008.

<sup>6</sup> Ücuncü continued, “At the Friday prayer I talk to about 100,000 people and they are listening to me. I would not be able to get 100,000 people out on the street,” (Deutsche Welle 2004)

<sup>7</sup> Although individual arrests have been made in two countries of those who allegedly plotted to kill editors or cartoonists.

<sup>8</sup> The lawsuit was filed in the 7th correctional chamber in Paris, which specializes in press and libel affairs (the suit was dismissed on appeal).

went beyond freedom of expression and constitute an aggression,” but asked French Muslims to “take a responsible attitude. . . and allow the law to sort it out.” (qtd. in Klausen 2009, pp. 120–124). This response is a far cry from the “broken bookshop windows” evoked by UOIF leaders 17 years earlier. The expression of such provocative language—and the exasperation it represents—would seem out of place in the grand meeting rooms of national Interior Ministries, where today’s leaders calmly convey their opinions verbally to ministerial advisors while being served coffee, apple juice and cookies.

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### 3 The Adaptation of Embassy Islam to State-Mosque Relations

With the creation of the Islam Councils, European governments intended to end Embassy Islam’s monopoly over religious representation and domination over mosques and imams. The transformation of Embassy-Islam federations and their sending-state sponsors has been less dramatic than that of Political-Islam leadership, but it is no less significant in the emancipation of Europe’s Muslims. Embassy-Islam leaders were initially reluctant to accept any change in the formula of state-Islam consultations. European governments’ inclusion of Political-Islam federations and other religious figures and institutions in state-Islam dialogues in the 1990s and 2000s ended the monopoly over religious representation that Embassy Islam had enjoyed for more than two decades. Embassy-Islam federations in every national context have tried to defend their advantageous position, and they have employed a variety of obstructive and then adaptive techniques.

The indirect representatives of Turkey, Algeria, and Morocco have responded to Europeans’ efforts to create Islamic Councils in the last fifteen to 20 years by undergoing a process of qualified “domestication”<sup>9</sup>: (1) They have accepted to participate in state-mosque relations and have sought to retain a dominant position. (2) When their relative importance has been diminished by the inclusion of other representatives, they have tried to block or obstruct the progress of state-mosque relations. (3) Finally, they have taken steps to become less “foreign” in terms of personnel (e.g., imams, spokesmen), the use of European languages, cooperation with European governments on the training of religion teachers and imams and adapting religious content (e.g., school curriculum, Friday sermons) to the European context. They have also begun to accept the legitimacy of rival organizations

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<sup>9</sup> This is a fraught term that is addressed further in Laurence (2012).

in European Muslim communities. Nonetheless, these same countries' authorities have increased their targeting of the diasporas with the exportation of personnel and religious institutions. There has been a flurry of state cooperation with Embassy Islam at all levels of government, most of which has taken place *since* the creation of the Islam Councils.

In the 1980s, Embassy Islam in France, Germany, and Italy worked to win over new mosques and to consolidate control over rising federations. They did this first by blocking or boycotting state-Islam consultations that included rival organizations, then by insisting on presiding over the consultations, and occasionally working outside the margins of official consultations in side agreements with individual ministries (or threatening to sabotage Islam Councils) when they feel marginalized. Embassy-Islam officials—some of whom hold diplomatic status in the European host country—are not a natural match for national state-Islam consultations, which are supposed to oversee the “citizen-ization” (*citoyennisation* or *Einbürgerung*) of Islam. Foreign governments have displayed a cautious interest in immigrant participation in host societies: Turkish Prime Minister Erdoğan famously referred to assimilation as “a crime against humanity,” and the Moroccan minister for Moroccan community abroad stated simply that “Integration is an objective, but it must not constitute a rupture with the mother country.” (La Gazette du Maroc 2003).

Embassy-Islam representatives in state-Islam consultations did not stand by quietly during the consultation process. They vigorously asserted themselves and increased their activities. They were motivated by several fears: of losing influence within Muslim communities—exacerbating their vulnerability to radicalization that host societies have not adequately addressed—as well as of losing remittances, and of losing a chance to have a voice in European institutions. Some of this resistance was rooted in national rivalries between competing homeland governments, e.g., Moroccans or Algerians in France, or between dominant sects and minority sects, e.g., Sunnis and Alevites in Turkey. When the rector of the Grand Mosque of Paris rails against “fundamentalists,” for example, he is sometimes just expressing his competitive spirit vis-à-vis the rising power of Moroccans, who are numerically superior to—and more likely to attend mosques than—Algerians in France.

### 3.1 Embassy Islam Strikes Back

The content of “Embassy Islam” has been both multiplied and adapted to the new circumstances of state-mosque relations. Thus, even while homeland governments export more personnel and infrastructure, a degree of autonomy has also

been granted to national European branches of Embassy-Islam networks, and the sending states are more likely to work in concert with European governments. They have appointed greater numbers of European-born Muslims to executive positions, begun to address gender disparities on governing boards and among prayer leaders, and regularly meet with rival federations in official contexts. Imams who arrive from Algeria, Morocco, Pakistan, and Turkey now increasingly attend destination-specific civic, political, and linguistic training courses.

Although sending states have redoubled their involvement in providing religious infrastructure in Europe—increasing the number of imams they send and mosques they build—they no longer operate as independent subcontractors. They have been constrained to work together with Political-Islam leaders in the Islam Councils, or they work in cooperation with European governments on the design and content of training for religious personnel. Thus, even while Political-Islam federations have been allowed into consultations, the prominent leadership positions in Islam Councils remain in the hands of Embassy Islam. In 2010 as in 1990, Embassy-Islam leaders are the face and voice of Muslim communities in European countries.

The appearance of reversion to an unmitigated, pre-consultation, outsourcing state of affairs more typical of the 1970s and 1980s has led some officials involved in the construction of state-mosque relations, as well as some leaders of Political Islam federations, to despair that there is no hope for a European Islam. “To say that we’re going to build a French Islam,” an advisor to the French interior ministry said, “all that is over now.”<sup>10</sup> As former interior minister Jean-Pierre Chevènement put it in an interview, “the problem is that we haven’t been successful in weakening the ties between the various French Muslim communities and the countries of origin which are trying to keep the influence they have in France.”<sup>11</sup>

### 3.2 Back to Square One?

In reality, both European and homeland governments have been complicit in extending the dominance of Embassy Islam in state-led consultations. The French and Italian officials quoted above highlight an important limitation of state organization of religious communities and the compelling reasons for continued strong

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<sup>10</sup> Interview by the author with Raoul Weexsteen in Paris, Former Advisor to the French Interior Minister, June 2002.

<sup>11</sup> Interview by the author with Jean-Pierre Chevènement in Paris, Former Interior Minister of France, November 2003.

relations with Embassy Islam: the requirement of international cooperation on terrorism, and the inability to cut off financing from abroad. “The fate of French Islam is not being played out in the consultation,” said a leader of one of France’s five grand mosques. “It is being decided in the chancelleries” of Paris.

European states never intended that consultations meet the standards of direct democratic procedures: the state-Islam dialogue was always meant to be a compromise among competing interests, using indirect elections and ministerial appointments to determine the composition. But Political-Islam leaders have nonetheless expressed disappointment at the prominent role accorded to Embassy-Islam federations and homeland governments in the CFCM and the DIK.

Further evidence of the enduring role played by homeland governments in European Islam comes in the form of their continued funding to build mosques in Europe and their increased exportation of imams for rotation and Ramadan service. Embassy Islam’s reluctance to relinquish political control over Islam among the diaspora—and their collective realization that European governments were determined to “domesticate” Islam—led Embassy-Islam federations to frame their activities within the spirit of the state-led Europeanization movement. “One of the only advantages of a state-led consultation,” a French official stated, is that it gave the homeland governments “a wake-up call: they realized that their influence and their implantation had been somewhat diminished.”<sup>12</sup>

European governments have created training programs to help acclimatize the newly arrived religious personnel from abroad each year, to lessen their “foreignness” and orient them to their new surroundings. The Dutch government established a complementary training program for imams arriving from abroad. Munich and Berlin have set up pilot programs between imams and local administrative officials to familiarize Islamic prayer leaders with the German school system and bureaucracy (Deutsche Islam Konferenz 2009). DİTİB sends imams to participate in the civic training program begun in 2007 by the French interior ministry at the Institut Catholique in Paris, and collaborates with a pre-departure training program at the German Goethe Institute in Ankara. In April 2008, the British home secretary announced a plan to bring “moderate imams” from Pakistan and Bangladesh to “counter the threat of violent extremism,” claiming that this would “complement work already underway to ensure imams are firmly rooted in the communities they serve.” Germany has a similar agreement with Turkey, and the Netherlands, Belgium, and France also arranged such an exchange with Morocco.

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<sup>12</sup> Interview by the author with Raoul Weexsteen in Paris, Former Advisor to the French Interior Minister, June 2002.

### 3.3 Morocco

The Moroccan government has tried to influence religious developments abroad—the 3.2 million abroad constitute 10 % of the total Moroccan population—by sponsoring mosques and Arab language instructors, and nurturing relationships with key Moroccan nationals residing abroad. King Muhammad VI (1999) has pursued an activist policy of exporting the kingdom's religious practices, including the annual delegations of imams and Qur'ân reciters sent throughout Europe as well as a new Ulama Council for Europe in Brussels—a group of learned religious scholars who aim to influence religious observance by Moroccans in Europe. Armed with a budget of circa 12 million €, a handful of institutions in the Moroccan capital, Rabat, offer support and guidance for the religious practices of MRE's: the Hassan II Foundation, the Ministry for Habous and Religious Affairs, the Ministry for Moroccans Living Abroad (located within the foreign ministry), and the Council for the Moroccan Community Abroad (CCME, see Fig. 7.5).

A “restructuration” of the religious affairs ministry in 2005 led to an increase in the exportation of religious personnel. In 2005, King Mohammed VI announced the creation of a Council of the Moroccan Community Abroad (Conseil de la communauté marocaine de l'étranger, or CCME) which would hold conferences and publish books on best practices of Islam in Europe, from mosques and imam training to the religion's legal status in host societies. The Hassan II Foundation announced a program “in continuous expansion” to locate imams and preachers from Moroccan universities, grand mosques, and civil service. In 2004, Morocco sent only 12 year-round imams to Europe—mostly from Moroccan universities—of whom four resided in France (El-Ghissassi 2004). In 1998, 60 preachers were sent, but by 2009, this number increased to 206 imams (both seasonal and temporary) in addition to hundreds of language instructors.

### 3.4 Turkey

The *Diyanet İşleri Başkanlığı* (DİB) has also pursued the internationalization of Turkish religious activities in an effort to expand Turkish influence over the country's European diaspora. DİB has funded chairs of theology departments in a handful of European universities, trained teachers in religious education, and developed religious curriculum for use in European schools (Aşıkoğlu 1993, pp. 142–148). At a 2004 conference, DİB leaders adopted a policy of “preference for Turkish religion teachers over European teachers, and for religion lessons conducted in Turkish over lessons conducted in any other language” and resolved to

“increase the quota of Turkish imams and muftis overseas.” (Zaptcioğlu 2004). At a DİB conference in Ankara in September 2004, Turkish Prime Minister Recep Tayyip Erdoğan proclaimed his ambition that the European branches of DİTİB would one day “be accepted as the EU’s only partner on related issues” in recognition of the “leading role played by Turkey in the Islamic world.” The organization announced its goal of ensuring the presence of “at least one Islamic cleric in the catchment area of each consulate”(Zaptcioğlu 2004).

### 3.5 A Changed Playing Field

In the year 2010, most adult Muslims in contemporary Europe are still third country nationals, (Hackett and Grim 2012) and thus a degree of foreign government involvement in their religious lives is to be expected. This is especially foreseeable when the foreign governments in question have an “official” religion in place at home. The gradual transformation and adaptation of Embassy Islam, however, is a significant element of what could be referred to as “the partial emancipation”—in contrast to “full emancipation”—of Europe’s Muslims.

Even as the integration of second, third, and fourth generations progresses, European governments will still need the cooperation, expertise, and support of the former sending states. This practice of relying on a continued strong contribution from Embassy Islam does not necessarily have the same adverse integration effects of earlier outsourcing. The willingness of foreign governments to adapt to the use of European languages and imam training programs, in concert with host states, will pose fewer integration issues. And indeed, Embassy Islam has its advantages: They are uniquely placed to contribute to Islam’s “normalization” in many European cities in several ways. Foreign governments can afford the construction of visible and dignified prayer spaces, and they can help coordinate the training of imams who are versed in European languages and cultures. Their cooperation with European authorities can build up a transparent religious infrastructure that earns greater acceptance from host societies.

Embassy Islam’s hierarchical structure and law-abiding nature has also had a net positive effect on Islam Councils’ stability. The notable exception is in the United Kingdom, where the absence of a strong state Islam in Pakistan, for example, has led to a more chaotic organizational environment in British state-mosque relations. The reliance on Embassy Islam is a logical short- and medium-term solution to the lack of prayer spaces and imams in Europe, but this practice could lead to complacency by European governments and the entrenchment of new drawbacks. In particular, the persistent involvement of Embassy Islam constitutes an attempted



usurpation of Europeans' efforts to build "national Islams" by way of state-mosque consultations.

The homeland governments' *droit d'ingérence* (right of intervention) will become more legally and politically tenuous over time as their outreach targets mostly European citizens and not their own nationals. Future generations of European Muslims have fewer direct ties to their ancestral homelands (and hold only a European citizenship). Another exception to this is the civil liberties implications: the continued oversight of Muslim communities by the consulates and embassies of sending states can often surpass straightforward security concerns, and nonviolent reformists can get caught up in this net of surveillance and, occasionally, persecution. Foreign intervention by former "sending states" delays the true "domestication" of European Islam, and thus retards the integration of Muslims in Europe. It may also interfere with the development of the independent, reformed practice of Islam in a European context but by filling a void with increasingly thoughtful and adapted religious "content"—including religious curriculum adapted to life as a minority and more contextually relevant Friday sermons.

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## 4 Conclusion

Both Embassy-Islam and Political-Islam federations have adapted and competed in the new political opportunity structure of state-mosque relations. Despite homeland governments' increased activism, they have an incentive to couch their activities within the broad framework of Islam Councils that European governments have established. Embassy-Islam and Political-Islam leaders have come to realize that their fortunes may wax and wane over time and that to participate in state-mosque relations requires an investment of resources. But to withdraw totally would be to forego manifold opportunities for control and influence over the practice of Islam in Europe.

The preliminary evidence suggests that Political-Islam federations have been changed through their participation in Islam Councils. As they have been brought into state-led consultations, they have mellowed. They are now on familiar terms with the administrators whom they negotiate with as well as with their once bitter rivals from the sphere of Embassy Islam (see Fig. 7.7). Their leaders have been received in the style of government ministers, their organizations' membership ranks have been strengthened, and they have gained more access to decision-making and resources. Before Political-Islam federations were granted equal footing in state-Islam consultations, European administrators characterized them as confrontational and

unrealistically demanding. Now, they are more oriented toward institutions and domestic politics. To the extent that Political-Islam federations have engaged in the “public defense of Islam”—promoting religious practices, objecting to the perceived defamation of the Prophet or their religion, etc.—their repertoire of collective action is close to that used by Catholic and Jewish representatives (Alexander 2006). Political-Islam federations across Europe gained tangible advantages from their strategy of participation.

In Germany, the IGMG was provisionally invited as a working group member (though not as one of the fifteen official delegates) of the *Deutsche Islam Konferenz* in 2006 (Echo Online 2006). The Muslim-Brotherhood affiliated UOIF and UCOII federations have similarly been rewarded for their cooperative behavior with powerful institutional positions: respectively, the vice presidency of the CFCM in France, and briefly, a seat on the Consulta in Italy.

While the achievement of political moderation among Political-Islam leaders is not a foregone conclusion, significant evidence weighs in favor of neo-corporatism’s transformative powers through institutional incentives. Even the CFCM president elected in 2008, Mohamed Moussaoui—who has close ties to the Moroccan government and could thus be expected to consider the UOIF as fundamentalist—said in an interview with the author, “It’s better to have all the tendencies together in the CFCM than outside. The UOIF is not so different from other federations, their claims, their declarations, respect the broad orientations of the organization.”<sup>13</sup> “The more Islam is ‘official-ized,’” French security officials told a journalist, “the more moderate it has been.” (Gabizon 2008).

The use of corporatism has engendered more “responsible” political behavior from participating mosque federations. The question of whether the findings are endogenous to the model is worth asking—i.e., those who participate in state consultations by definition must accept government rules and norms—but it should also be recalled that participation in a state-sanctioned Islam Council is no guarantee of docility. Indeed, there are ample incentives for political entrepreneurs to buck the system to earn street credibility and gain an advantage over competing federations. This is a key insight from the literature on neo-corporatism and government relations with trade unions and agricultural groups; when the latter were displeased with their councils, they would storm away from the round table, hold street demonstrations, or even spill their wares on the highway to slow traffic.

The influence of state-Islam consultations—or, indeed, even the *possibility* of being chosen for government consultation—has had a moderating effect on Political-Islam federations and thus contributed to the overall transition of “par-

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<sup>13</sup> Interview by the author with Mohamed Moussaoui in Paris, CFCM, September 2008.

tial emancipation.” This adaptation can be partly explained by religious leaders’ new position as stakeholders in an institutional process: they now have something tangible to lose, i.e., the patina of respectability that undergirds their privileged partnership with the state. Islamists should be judged by their actions, Olivier Roy has argued, not their intentions: “wondering about these actors’ sincerity is naïve because they are essentially politicians and politics has nothing in common with sincerity.” (Roy 2005, p. 161; Zekri 2008). Political-Islam leadership has repeatedly declined to engage in inflammatory or ambiguous rhetoric and instead has demonstrated an interest in keeping hold over administrative gains in the anodyne realm of technical state-mosque relations. Governments would have far less leverage over any of these organizations in the absence of this incentive structure for political moderation.

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# Institutional Change and the Incorporation of Muslim Populations: Religious Freedoms, Equality and Cultural Diversity

Marcel Maussen

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## 1 Introduction

The incorporation of Muslim populations in West Europe, largely but not exclusively due to immigration, has resulted in a variety of changes. This chapter proposes a framework to think about the dynamics and politics of “host society” *institutional changes* in response to Islamic presence. Institutional changes include the creation of novel institutions and Islamic varieties of existing structures (such as Islamic religious schools or Muslim sections in graveyards), amendments of legal and constitutional arrangements, or changes in administrative practices. Of course, many institutional changes, for example in education, state-religion relations or health-care, are also, and often more strongly, caused and shaped by other factors, including demographic changes that are not primarily related to immigration (such as changes in the composition of the population in terms of age), social and cultural changes (individualization, greater social and physical mobility, secularization), technological changes, or “Europeanization” of policy domains. Still, the incorporation of Muslim populations did play a role, and it is on that role that I focus here.

One goal of this chapter is to contribute to the debate on “post-secularism”, a term popularized by Habermas (2008), which has become a fashionable “buzzword” in discussions on changes in the relations between religion and the state, especially in relation to the position of non-Western religious minorities. In Haber-

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mas' use post-secularism simultaneously functions as a *descriptive* term to refer to the type of society we are living in (i.e., a society in which the "secularization thesis", which suggests that in the course of modernisation religion will disappear, has lost its plausibility), and as a *normative* concept prescribing how citizens should preferably understand themselves and deal with state-religions interactions (e.g. demanding that religious citizens are willing to "translate religious reasons into secular arguments", and that liberal states and secular citizens no longer "expect all citizens to justify their political positions independently of their religious convictions or worldviews") (Habermas 2008, p. 978; Jansen 2011, p. 979, see for a critical discussion Bader 2012). But, post-secularism is also a fighting term used against "militant" or "assertive" secularism, which is then seen as a normative model of state-church relations aiming to drive religion out of the public realm, often taking an idealized picture of the French model as an example to follow.<sup>1</sup>

Three positions can be identified at the intersection of debates on normative models of religious governance (what institutions and policies of religious governance *ought to* look like in liberal states) and debates on empirical patterns of accommodation of Islam in different countries (in what ways *do* church-state models shape opportunities and constraints for Islam): first, advocates of secularism-as-we-know-it suggest that existing institutions should not change at all, because they provide a good framework to which "newcomers" can and should adapt.<sup>2</sup> Second, there are those who identify with post-secularism as a fundamental critique of secularism as implicated in contemporary forms of imperialism and an ideology that is inherently unwelcoming towards non-European traditions and religions, especially with regard to Islam and Muslims.<sup>3</sup> Third, there are authors who agree with the idea that a critical re-evaluation of normative theories of secularism and of existing institutional arrangements is indeed appropriate.<sup>4</sup> This chapter aims to engage in a discussion with the third group and shed light on transformations of institutions in ethno-culturally and religiously diverse societies that, for normative reasons, are deemed necessary (Bader 2007, p. 153). With regard to church-state relations, for example, systems with "strong establishment" have great difficulty in

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<sup>1</sup> See for excellent discussions of normative models of religious governance Bader (2007, Chap. 7), as well as Kuru (2009) and Monsma and Soper (2009).

<sup>2</sup> This position is defended, among others, by Paul Cliteur (2010).

<sup>3</sup> This position is defended, among others, by the anthropologists Talal Asad and Saba Mahmood, see Jansen (2011) for a discussion.

<sup>4</sup> This is the position of, among others, Bader (2007, 2010) and Modood (2012). See also the debate on accommodation of Islamic presence in law and legal practice (Grillo 2012).

accommodating existing forms of religious pluralism in a fair and equitable way.<sup>5</sup> Cultural bias in favour of Protestant-Christian conceptions of what religion is and what legitimate religious expressions are (e.g., “belief-centred conceptions”), may disadvantage newcomers. Minorities may also invoke liberal principles to challenge other forms of majority cultural bias, be it in national identity definitions and symbols, public holidays and national celebrations, allowances for religious expressions in public institutions, or hate-speech and blasphemy legislation. As Modood observes: “the issue in Europe is about the status of a minority and *its right to change* the countries that it has recently become part of or is trying to be accepted as part of” (2012, p. 132, my emphasis, M.M.).

In view of contributing to this debate I will make use of literature on the governance of Islam in Western Europe (Rath et al. 2001; Fetzer and Soper 2005; Kuru 2009; Maussen 2007, 2009). A crucial overarching concept in that scholarly field is “patterns of institutionalization of Islam”, referring to the situation of Islamic institutions in a country at a given moment in time, for example whether or not Islamic schools exist, how many and what kind of mosques exist, whether special Muslim councils have been set up, how states deal with the wish of Muslim girls to wear the headscarf, in what ways dietary requirements have been accommodated, and so on. Several studies have demonstrated that differences between French, Dutch or British ways of accommodating Muslim demands can be explained in light of interactions between, on the one hand, processes of Muslim mobilisation and advocacy, and, on the other hand, host country-specific institutional, discursive and political opportunity structures. Political opportunities consist of potential allies and opponents, cleavages within and among elites, and other external resources for collective action. Discursive opportunities more specifically refer to the ways and degrees in which demands resonate with prevailing discourses, cultural themes and frames (Koopmans and Olzak 2004). Finally, institutional opportunities for the accommodation of Muslim needs and demands are shaped by immigrant integration policies and church-state regimes (Maussen 2009).

In this chapter, however, I want to embark on a different path and explore in what ways we should also treat host-country institutional policies and regimes as “dependent variables”. In short, I will argue that if existing arrangements are exposed as biased and unfair with regard to newcomers there will be incentives for them to change. If liberal normative principles are taken seriously, states

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<sup>5</sup> Systems with “strong establishment” are for example Greece, Serbia and Israel, systems with “plural establishment” (such as Finland) or “weak establishment” (such as England) have fewer difficulties in accommodating newcomers in a more or less fair way (see Bader 2007; Fetzer and Soper 2005).

should be sensitive to “injustices that are the consequence of a lack of adaptation (of the historical legislative framework in place) to recent socio-demographic developments in contemporary European societies” (Foblets and Alidadi 2013, p. 31; also Bader 2007, p. 153 ff.). Institutional changes aiming to address these injustices are also likely to affect the lives and opportunities of non-Muslims.

The chapter is structured as follows. I begin by providing the theoretical framework to conceptualize processes of institutional change and formulate hypotheses on the ways Islamic presence has resulted in pressures on existing institutional arrangements. I then explore two policy domains in which processes of institutional change appear to have played a role: (1) religion-state interactions with regard to the financing of houses of worship; (2) hate speech legislation with regard to religious sensibilities. In this part I selectively draw on secondary literature and examples from France, the Netherlands, Spain, Denmark and Britain. In the conclusion I return to the importance of the exploration of processes of institutional change in relation to the discussions on normative models of state engagement with religiously pluralist societies.

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## 2 Institutions and Institutional Change

Institutions are sets of regularized practices, which provide a rule-like quality to social interactions in a way that reifies, stabilizes and formalizes these interactions (March and Olsen 2006). They can be analysed at the level of specific organizations or concrete interactions, and at an aggregate level. For this chapter the relevant institutional arrangements are those related to governance of pluralism, including notably church-state relations, fundamental rights and freedoms, and national identity, citizenship and integration. Major amendments of legal and constitutional texts and substantive policy redirection are forms of institutional change.<sup>6</sup> Institutions tend to be relatively resilient (meaning there are many incentives to go on as before), but different clusters of factors can generate change. First, structural changes and (contingent) external shocks in the real world may lead to institutions being strained, and result in “problems of rule interpretation and enforcement” (Mahoney and Thelen 2010, p. 4). A second cluster of factors includes normative,

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<sup>6</sup> See Koopmans et al. (2012) for an attempt to develop a methodologically sound operationalization of institutional and policy changes in the domain of citizenship rights for immigrants.



regulative, cognitive and institutional pressures (cf. Koenig 2007, p. 915).<sup>7</sup> “Europeanization” of issues related to governance of cultural and religious pluralism and the “constitutional development” of the EU in relation to its member states are now seen as important channels via which these pressures are being exercised on national institutions, notably also via the ECtHR and the European Court of Justice. Third, while structural forces and pressures may create openings for changes, there still need to be actors who will *do* something. Political groupings and alliances need to develop, campaigns must be raised, arguments made in favour and against changes, and so on. In the next section I will further elaborate on the ways the presence of a substantial Muslim population can be conceptualized as an incentive for institutional change in West European countries.

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### 3 Islamic Presence and Institutional Change

Islamic presence has changed West European societies in many ways: nowadays we will find respect for Muslim dietary requirements in restaurants, canteens and supermarkets, changes are visible in the work place (e.g., with regard to holidays and other religiously motivated wishes) (see Alidadi et al. 2013), schools have developed ideas about what to do when pupils want to wear religious dress or perform daily prayers, housing co-operations build houses that are adapted to Muslim “customs and wishes”, banks offer Halal mortgages, hospitals have changed procedures to accommodate religiously motivated wishes, specialized circumcision clinics have been founded, as well as provisions for Islamic spiritual care, and there are Muslim graveyards. We can think of these developments primarily as social phenomena, which are the aggregate outcome of changes in individual and collective behaviour, and that have spill-over effects on institutions and structures in the “receiving” society. For example, the fact that more people want to consume Halal meat may set off a dynamic of market formation: several commercial partners want to have a “market share” (including supermarkets), a system of certification may become necessary, and in that context further regulations with regard to (ritual) slaughtering may be

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<sup>7</sup> Normative pressures play an important role with regard to governance of cultural pluralism because institutional arrangements also aim to realize fundamental principles and ideas about the ways societies *ought to* handle religious pluralism. Normative ideas may affect institutional set-ups via different mechanisms: constitutional-legal (for example when by signing an international covenant countries oblige themselves to adjust their institutions in a particular domain), or political (for example when groups mobilize and manage to enforce institutional changes).

developed, and so on (see Bergeaud-Blackler 2007). In this scenario institutional changes primarily follow changes of behaviour and preferences. At other times, however, transformations result from explicit *demands for institutional change* in view of accommodating Islamic needs.

At this stage it is useful to link the concept of institutional change to the theoretical debate on types of claims and demands. A familiar typology distinguishes between demands for equal or similar treatment (“parity rights”) versus demands for exceptional treatment (“special rights”) (Rath et al. 2001; Statham et al. 2005). Parity rights comprise demands where Muslims primarily ask that an existing right or entitlement is extended to them, whether this right is grounded in church-state arrangements or otherwise. In the case of special rights, the issue appears to be about the creation of a new right for which no uncontested equivalent exists. The boundaries between these rights claims are fluid and may depend on framing processes. For example, determining whether or not the right to wear the headscarf in a school is a matter of equal rights (to wear a symbol of religious affiliation) or of special rights (mainly Muslim girls cover their heads or faces) very much is inherent in these controversies. In addition, the discussions gets further complicated if equal rights are considered to be “individual rights”, whereas special rights are seen as “group rights”. That distinction is of course central to the critique of normative models of multiculturalism, and the idea that granting “group rights” to ethnic and religious minorities stands in tension to the liberal principle of equal treatment.<sup>8</sup> However, this twofold typology does not really capture a third type of claim, namely demands for a change of existing institutional arrangements in relation to new forms of cultural pluralism. What I have in mind are demands, or more accurately “dynamics of contestation”, that may result from a politicisation of Islamic presence rather than from Muslim claims per se. Take the debate on representations of national identity. At a certain moment in time it may come to be seen as inappropriate if statespersons represent their country as “Christian”, or if certain public ceremonies or symbols (such as the national currency) make explicit reference to a particular religion (see Modood 2012, p. 12).<sup>9</sup> Similarly, it seems reasonable to expect that at a certain point there will be protests against states that continue to favour particular religions and not others, for example by granting them an official

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<sup>8</sup> See Duyvendak et al. (2013) for a critique that particular rights, such as the right to wear headscarves, should be considered as illustrative of granting cultural and religious “group rights” and hence of “multicultural policies”. See Shorten (2013) for an insightful discussion of the relations between individual rights, groups rights and institutional exemptions.

<sup>9</sup> See Joppke (2013) for a discussion on the legitimacy of an explicit reference to Christian identity in the context of European states.

status, financing some of their costs and protecting their members from offensive or blasphemous speech. I am reluctant to subsume this type of claim under the categories “parity” or “special” rights because it may be that the direction of change that is being asked for in the end moves towards *less rights or less exemptions for all* (religious) people, as was the case in the Dutch debate on ritual slaughter (Valenta 2012), and in debates on male circumcision and blasphemy legislation in several countries (see below). The issue may arise in a way that does not correspond to a demand for religious rights for Muslims, neither in the form of the equal application to Muslims of existing rights (“parity rights”), nor of the creation of “group rights” for Muslim (“special rights”), but as a demand for changes of the existing arrangements in view of a new societal context, of which Islam is now a part. This type of issues will arise when the debate centres on institutions and organizations that are also *but not exclusively* implicated in the governance of Islam (cf. Castor 2014, p. 4). This type of demand may give rise to intense contestation<sup>10</sup> and all kinds of coalitions and oppositions may emerge: opposing “free speech absolutists” versus actors defending protection from hate speech, “legal pluralists” versus advocates of uniform (national) legal systems, “defenders of animal rights” versus “defenders of cultural traditions”, and so on.

In light of the above, I explore in the remainder of the chapter examples of public debates around (proposals for) institutional changes. I explore what types of adaptations of existing arrangements were being proposed to respond to social changes related to immigration and Islamic presence, and what kind of dynamics of contestation developed.

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## 4 Financing of Houses of Worship

National and municipal governments are involved with houses of worship in different capacities, notably when it comes to siting (choice of location, architectural and aesthetic requirements, balancing interests of different stakeholders including the concerns of residents in the vicinity) and safety and general functioning (building

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<sup>10</sup> Carol and Koopmans (2013, p. 167) have recently introduced a typology to distinguish between claims for religious rights that have more or less potential for conflict with the institutions and the dominant culture of the host society, and which may hence trigger intense contestation. They argue that claims will be more “obtrusive” if they demand religious rights in public institutions, and/or are related to non-mainstream Islamic practices, and/or when they refer to recognition of practices that have no uncontested equivalent in Christianity.

and fire protection requirements, preventing nuisance because of noise or parking). Another aspect concerns financial support for the creation, use and maintenance of prayer spaces. The issue of financing houses of worship is directly shaped by the legal-constitutional church-state regime. State financial support for houses of worship includes tax-exemptions (e.g., for real estate taxes), indirect subsidies (e.g., by giving out land below market prices or for a symbolical amount), direct subsidies for the creation, location or maintenance of prayer spaces, and subsidies for social, educational and cultural activities that can also be used by their attributors for the purpose of financing accommodations. Systems of public support have been shown to manifest “discriminatory bias” with regard to newly arrived religions and beliefs, and a recent study observed a trend throughout Europe of demands that “minority groups are better supported financially” (Foblets and Alidadi 2013, p. 34). The examples I discuss here are taken from debates in France, the Netherlands and Spain that, for historical reasons, all have strong institutional bias in favour of the financing of Christian houses of worship, predominantly Catholic churches in France and Spain, and Dutch Reformed churches in the Netherlands. The leading question is to see what attempts were made to make the system of financing more fair, especially towards Muslims.

All three countries have a constitutional model of “separation”: religious institutions are not set up as government institutions, state neutrality on religious matters is a guiding principle, and private financing of religion is the norm (although as we will see what this entails legally, and in practice, varies). There are, however, important differences with regard to the legal-constitutional set-up of the model and the ways it actually operates. The French approach to state-religion interactions exemplifies a strict separation model, sharing characteristics with the American and Turkish model. By contrast, the Dutch and Spanish approach more clearly opt for “cooperation” resulting in more openness towards organised religions, illustrated by financial support for faith-based institutions, such as religious schools and welfare organizations, and a more relaxed approach to the presence of religious symbols in the public realm and in public institutions. How did Muslim demands for recognition impact upon the institutional framework for the financing of houses of worship in each of these countries?

The principle that the state does not “pay salaries or other expenses for any kind of worship (*culte*)” is articulated in article two of the 1905 French Law on the Separation of Churches and the State. This meant a break with the preceding regime of the Concordat (+/- 1801 to 1905) in which the state paid the salaries of priests, owned the real estate of churches and paid for their upkeep. Many direct and indirect subsidies for the construction and upkeep of religious building still exist however. Because the Catholic church successfully resisted the implementation of

the 1905 law unto the mid-1920s, Cathedrals and churches have actually remained public property (of the state and municipalities respectively). The maintenance costs of these buildings are hence covered by public funds. Besides, the owners of other religious buildings (including all houses of worship built after 1905) still are entitled to receive subsidies for restorations, and they can benefit from various indirect subsidies (including tax exemptions). Furthermore, both the state and several cities have incidentally, and for exceptional reasons, decided to sponsor the building costs of houses of worship after 1905 (see Machelon 2006, p. 21). Finally, in the mid-1930s a legal possibility was created for municipalities to give out land in long term lease for a symbolical amount (a so-called *bail emphytéotique*) in view of enabling the construction of a religious building (Maussen 2009, pp. 46–48; also see the country chapter on France in this volume).

It is clear then that there is a bias in the French system in favour of financing the costs of upkeep of Christian churches, but that there are also opportunities to include newcomers in existing forms of indirect financing. In what ways have these institutional opportunities been challenged or changed in relation to the demands and needs of Muslims? Demands for support and subsidies for mosques were turned down systematically in the 1980s and early 1990s, when principles of “Republicanism and *laïcité*” were revitalized in debates on immigrant integration and Islamic fundamentalism (Fetzer and Soper 2005). In the mid-1990s, however, several municipalities such as Montpellier, Nantes and Rennes, had begun to subsidize mosque building directly or indirectly. Sometimes a municipality would claim to merely sponsor a “multipurpose space” (*une salle polyvalente*) which was then “rented out” to a mosque association. At other times a municipality would allow Muslims to benefit from existing legal provisions for religious organizations (such as a long term lease). In other municipalities, by contrast, public authorities were unwilling to help or even claimed building sites for the “general interest” (using their “right to dispensation” (*droit de préemption*)), in order to prevent the building of a mosque.

Tensions were building up in the course of the 1990s and the media repeatedly reported on the disadvantaged position of Muslims, especially with regard to the situation of mosques (Maussen 2009, p. 150 ff.) In 2000 the High Council on Integration (HCI) concluded, in a report entitled *Islam in the Republic*, that the fact that Islamic worship was still housed in inadequate “garages and basements”, combined with the perception that municipal authorities were actively obstructing efforts to create more adequate housing, had created a climate in which feeling of injustice became more pronounced, especially among younger generations (HCI 2000, p. 37). Discursive opportunities thus emerged to demand a more fundamental review of existing institutions. However, it would take until the so-called

Consultation on Islam in France (+/- 1999–2005), before steps were taken to adapt policy approaches. The Consultation gained momentum against the background of the constant media attention for the disadvantaged position of Muslims, illustrated by pictures of Muslims praying on the street, but also in a post 9/11 context in which the government wanted to show that a “normalized Islam” could find its place in France. In terms of policy redirection and measures to address a situation of discriminatory bias vis-à-vis Muslims three avenues were embarked upon.

First, the national government issued a series of directives on the issue in 2000, 2005, 2009 and 2011.<sup>11</sup> Basically these directives did not include new legislation but simply explained what existing legal opportunities were. This was essentially an effort to harmonize municipal approaches, targeting the semi- and illegal methods of municipalities that were supporting mosque establishment *and* those that were actively opposing it. An important message of these directives was that in order to accommodate Islam in an equitable way there was no need to change the institutions but municipal practices and attitudes of local authorities should become more forthcoming in accommodating Muslim needs. In addition, the government emphatically tried to explain to Muslim organizations how they could benefit from the legal framework and opportunities for indirect financing, notably by simultaneously setting up religious (cultic) and cultural associations.

Second, a more radical proposal was to set up a special subsidy scheme to allow immigrant minorities, and Muslims in particular, to “catch up”. This was framed in relation to the need to produce an adequate infrastructure for Islam in France, creating a “French Islam” rather than an Islam “in but not of France”, a goal that was passionately pursued by Minister Nicolas Sarkozy. At the local level it primarily meant creating opportunities for “vicinity Islam” (*l’islam du quartier*) and adequate housing of mosques. In this context, Sarkozy had suggested in October 2004 amending the 1905 law in order to allow for the direct financing of mosque building. In May 2005 a *Commission de réflexion juridique sur les relations des cultes avec les pouvoirs publics* was installed, presided over by the legal scholar Jean-Pierre Machelon. That committee suggested in 2006 to set up a scheme of direct subsidies for the building of houses of worship for (*immigrant*) religious newcomers, suggesting this was in line with twentieth century legal practice and tradition. A subsidy scheme would illustrate a commitment to guarantee effective religious freedom for disadvantaged groups and it would show the willingness to

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<sup>11</sup> See Maussen (2009). The latest directive dates of July 29 2011 and is entitled “Edifices du culte: propriété, construction, réparation et entretien, règles d’urbanisme, fiscalité” (NOR/IOC/D/11/21246C. Available via: <http://www.legirel.cnrs.fr/IMG/pdf/110729.pdf>. Retrieved January 15, 2014.

interpret equal treatment in a historical and contextual manner. Besides it would have the advantage of introducing more “transparency” in the financing of mosques because “foreign investments” from Arab countries would become less necessary (Machelon 2006; Maussen 2009, pp. 182–183). If this proposal would have been implemented it would have meant a quite drastic institutional change for French secularism. However, the committee’s recommendations were confronted with massive political protest and represented as an all-out attack on secularism. A new working group of legal advisers was installed and in the end the government decided merely to issue another directive (in 2009). Rather than pursuing a major institutional transformation a choice was made to again explain better what legal opportunities existed, based on the idea that existing secular arrangements were adequate to deal with the issue.

Third, another option was created in the form of a Foundation to Finance Islam in France (*Fondation pour les œuvres de l’islam en France*) in 2007. This foundation, created under private law but then categorized as accomplishing a public interest (*d’utilité publique*) would collect funds from private domestic and foreign donors, which could then be used to finance worship costs, including the building of mosques. Due to a series of disagreements on the management of the foundation it has not yet been a viable structure to coordinate the financing of mosque building in France, even though there are efforts to launch it again and make use of the funds that were already collected.<sup>12</sup>

Even though France thus eventually did not carry through major institutional transformations<sup>13</sup>, in the meanwhile several aspects of institutional discriminatory bias towards mosque building had been quite effectively addressed. In large part this resulted from efforts by Muslim communities themselves, that with the help of more forthcoming municipal authorities could now pursue mosque building projects.<sup>14</sup> Also the explicit articulation of institutional and legal opportunities via the earlier mentioned Directives strengthened the position of local Muslim organisations when demanding fair treatment.

In the Netherlands subsidies by the state and local governments for Christian churches were believed to be legitimate throughout the nineteenth century and the first half of the twentieth century. After World War II local governments

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<sup>12</sup> See “L’ultimatum de Valls pour relancer la Fondation des œuvres de l’islam” *Saphir News*, January 13, 2013.

<sup>13</sup> In April 2011 the French Secretary of State on Housing, Benoist Apparu, seemed to re-open a debate on direct financing which, so he suggested, was a possibility to avoid the problem of “foreign financing” and of people worshipping “on the street”. No follow up was given to this idea. See “Il faut un pacte nouveau avec les religions” in *Le Monde*, April 2, 2011.

<sup>14</sup> See “Les lieux de culte musulmans ont doublé en vingt ans” in *Le Figaro*, August 31, 2011.

continued to sponsor church buildings (in total they spent 19 million guilders between 1946 and 1960), but because there was no national regulation there were unwanted discrepancies between municipalities. Following the advice of a special commission (the commission Sassen), the Church Building Subsidy Act of 1962 harmonized these practices by guaranteeing 30 % subsidies for the costs of church creation, which was also seen as legitimate given “the importance of church going and attendance of divine services” (*een sterk kerkelijk leven*) (Maussen 2009, p. 54). Similar arguments in favour of state funding were made by a Commission of State on Religions that reported in 1967. It also deemed state subsidies legitimate, because of the importance of religious freedom and given the general value of religious life for society. It went without saying that these forms of support were about Christian religious life.

However, by the time these advices were published and legal amendments made, important societal and political changes had set in. In a de-pillarizing society direct state support for religion was increasingly seen as inappropriate. The government decided to move towards a model of non-financing and a constitutional amendment of 1972 abolished article 185, which had been the basis for the financing of religion. A precondition for the ending of existing subsidies was that an agreement with the churches would have been made (which happened in 1981). The Church Building Subsidy Act was thus rescinded in 1975 and formally abolished in 1982.

This development of the Dutch church-state regime towards a system of “non-financing of religion”, had set in before the immigration of Muslims became an issue. Representatives of Islamic and Hindu communities were invited to participate in the talks about disentangling the financial ties between state and churches (in the early 1980s), but it was clear to everyone that this process of institutional change primarily involved the well-established Christian organizations, and primarily the Dutch Reformed Church.

The lack of adequate housing for Muslim “guest workers” and post-colonial immigrants from Surinam appeared on the agendas of municipal authorities in the mid-1970s. Actually, in 1975 the alertness of a local official allowed one Turkish mosque to profit from a subsidy because of the Church Building Subsidy Act just before it was rescinded. That Act had been formulated in an inclusive way and made subsidies available for all religions and denominations, including the “Mohammedan religion”. Municipalities were in doubt about whether, and if so how, they should assist Muslims in creating more adequate prayer facilities. The national government issued two subsidy schemes (between 1976–1981, and 1981–1983) to cover up to 30 % of the costs for the creation or refurbishment of prayer houses.<sup>15</sup>

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<sup>15</sup> The General Regulation for the Subvention of Prayer Houses (1976–1981), prolonged until 1983.



However, these measures were not framed in terms of a principled choice in favour of direct state support, nor as about a fundamental reconsideration of existing institutional arrangement in relation to a new societal reality. Rather, they resulted from a concern about the welfare and “cultural and religious life” of immigrant (guest) workers (Maussen 2009, p. 129–131).

This changed in the 1980s, however, when the idea got hold that the Dutch legacy of “pillarization” and the institutionalisation of a fairly even-handed approach to Protestants, Catholics, Jews, and non-religious “life convictions” created good opportunities to accommodate Islam in an equal manner (Monsma and Soper 2009, p. 84, see the chapter on the Netherlands in this volume). Two advisory commissions were to reflect on the issue. The Waardenburg Working Party, advising on “Religious facilities for ethnic minorities in the Netherlands” in 1983, deemed financial support necessary to guarantee effective religious freedom to newcomers, and to support emancipation and integration of immigrants “with maintenance of cultural identity”. However, there was now more political resistance against such a subsidy scheme, which was seen as an infraction upon the principle of separation of church and state. A new commission, named the State Committee concerning Subsidies to Churches and other Religious Societies, presided over by the legal scholar and prominent member of the Christian Democrat Party, Ernst Hirsch-Ballin, was asked to provide a more principled answer to the issue, primarily looking at constitutional arrangements (amended in 1972 and 1983). This commission concluded in 1988 that it was both legitimate and recommendable to install a temporary subsidy scheme allowing religious newcomers to “catch up”. The members of the committee believed that equal treatment demanded that Muslims and Hindus were compensated for the fact they had not profited from the generous subsidy schemes of the past. They also thought that constitutional rights should exist effectively and not only formally, which in this case could justify support for the creation of adequate prayer houses. The report was illustrative of a principled willingness to critically scrutinize legal arrangements and adapt them to address injustices towards non-Christian newcomers.

However, by the time a proposal to create a temporary subsidy scheme covering 30 % of the costs of the creation or renovation of houses of worship for immigrants was on the political agenda in the early 1990s there hardly was any political support left. Dutch multicultural policies were increasingly criticised, and a proposal that seemed grounded in a policy of “support for maintenance of cultural identity” was now seen as undesirable. Moreover, secular parties were keen on dismantling the alleged “remnants of pillarization” and privileges for religious groups. From both angles a special scheme for financial support for Muslims and Hindus seemed inappropriate and in 1991 the Minister of Internal Affairs declared the discussion ended (Maussen 2009, p. 211).

Despite the fact no schemes for direct subsidies have existed since 1983 there are still opportunities available for indirect subsidies for renovation of houses of worship and tax exemptions for real estate and religious organizations (see Van Sasse van Ysselt 2013). Yet, these arrangements continue to privilege Christian groups (and sometimes Jews), for example when subsidies are available under the Monuments Act, a category including mostly church buildings and sometimes a synagogue. Furthermore, if one would genuinely take into account the balance between needs of particular groups and the financial means they can collect, as well as the historical development of Dutch policies in this domain, it still appears there is a negative bias towards newcomers. On the other hand, nowadays Muslim organisations overall have a better financial position than 30 years ago and even if they do not have the special status of “religious body” (*kerkgenootschap*) they can still demand similar treatment, for example for tax exemptions, which makes the model relatively inclusive. At the municipal level some cities have sought to creatively invent additional forms of indirect support, mostly in the form of “land swaps”, renting out land below market prices, or financing “cultural activities”.

Between 1835 and 1851, Spanish authorities, in an attempt to gain control over the church, outlawed the traditional church taxes and expropriated 90 % of the Church’s property. The state therefore owned the real estate of the Catholic Church when it concluded a Concordat with the Vatican in 1851 and agreed that the state would finance the costs of Catholic worship, mostly buildings and salaries. During the Second Republic (1931–1936) a clear separation of church and state was installed, but under the rule of Franco (1939–1975) the Catholic Church was restored as the established church and financial support by the state continued. The transformations of Spanish church-state institutions after 1978, also with regard to the issue of financing, were part of a transition towards a democratic regime and to a model of “separation of church and state”, which were taking place in a delicate political context, and with the need for the government to maintain the support of the Catholic Church. One of the guiding principles of the new system, that was modelled in reference to the German and Italian constitutions, became “cooperation with religious groups” (Contreras Mazarío 2007, p. 585; also see Astor in this volume). Secularism was understood primarily as non-establishment and impartiality of the state towards any religious group in particular. Still, the institutional development since 1978 shows a tension between a tremendous institutional bias in favour of Catholicism, and a not yet completed struggle to create a more equal position for other groups, Islam among them.<sup>16</sup>

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<sup>16</sup> For Spain regional differences play a greater role than for France and the Netherlands, due to the existence of “autonomous regions” and because governance of Islam is increasingly decentralized (Astor, this volume).

Given the intimate financial ties with the Catholic Church, an agreement was made in 1979 for a gradual transition process that should end in a “self-financing” church (Garcimartín Montero 2006). In a first phase (until 1987) the costs of the Catholic Church were covered by a special part of the state budget. In a second phase (starting in 1988) more and more of this budget was to be replaced by funds collected via “tax assignments”. This system entailed that the state allocated 0.5 % of the income tax to “the maintenance of the Catholic church or social concerns”, and allowed individual tax payers to choose to which one they wanted to allocate their share. The state would initially directly finance what was lacking (this happened until 1994<sup>17</sup>), and this would then gradually become a loan, until the church would be fully financed via tax assignments. However, it became clear that not enough money was being collected via the tax assignments and in 2000 a new system was introduced that created more options, including the opportunity for tax payers to attribute money both to the Catholic Church *and* to social concerns. The state still guaranteed to pay for the difference if the total revenues collected through tax assignments were not sufficient. Given the slow pace of this “transition”, the Catholic Church continued to receive substantial state support.

In this light we should consider processes of institutional reform, involving both a process of adaptation to a constitutional regime of separation and to a society that was slowly becoming more religiously diverse. The vast majority of the population was still Catholic, and pluralisation firstly concerned the small Protestant and Jewish minorities, whereas Islam only transformed into a real “minority religion” in the 1990s (Astor 2014, p. 10). Some indirect forms of financing were opened up to religious groups that had successfully negotiated a Cooperation agreement with the state in 1992 (Protestants, Muslims and Jews) and were in that sense “recognized” and obtained the right to teach religion in schools, the right to be buried according to religious traditions, and the right to provide religious care in public hospitals. Other groups later obtained a status as being “deeply rooted” (*notorio arraigo*) in Spanish society (Mormons (in 2003), Jehova Witnesses (in 2006), Buddhists (in 2007) and the Orthodox Church (in 2010)).<sup>18</sup> Islam was thus legally recognized in 1992, at a time when only a small group of Muslims lived in the country. Astor (2014, p. 6) argues this was related to “the instrumental value of Spain’s Muslim heritage for political projects aimed at refashioning Spain as a modern and plural society during the post-transition period.” These minority groups could therefore benefit from a

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<sup>17</sup> Actually already between 1991–1993 the additional state money was supposed to be a loan, but given the fact that the debt of the Church grew dramatically in this period it was decided to make these into gifts (Garcimartín Montero 2006, p. 184).

<sup>18</sup> I am grateful to Maria del Mar Griera for enlightening me on this topic.

privileged fiscal policy that exclusively applies to religious organizations (Contreras Mazarío 2007, p. 589). Organizations are then exempted from certain taxes and the living quarters of ministers are also exempted from property taxes.<sup>19</sup>

These measures did not really take away major obstacles to giving a fairer treatment to religious newcomers. The Muslim population grew rapidly since the mid-1990s and mosque creation became a public issue.<sup>20</sup> The question was whether for the non-Catholic groups some additional system of funding should be created. It seemed unwise to introduce a (temporary) system of *direct* financing for them (either directly via the state budget or via tax assignments), because the ultimate aim remained to reach a situation of private financing of religion for all. Yet, obliging the other denominations to finance themselves, while letting the Catholic Church benefit from a prolonged “transition regime” in which it still received massive financial support of the state, was obviously also unfair.

New political and discursive opportunities emerged, somewhat counter intuitively, in the wake of the Madrid bombings of 2004. For one, the government announced its intention to finance mosques in order to address the spreading of Islamic radicalism via transnational networks. A solution was found by setting up a special Foundation of Pluralism and Coexistence (in 2005) that would temporarily be sponsored. As an official explained: “as long as complete self-financing of all the religious denominations in Spain is not achieved, funds of up to 3,000,000 € will be made available to finance projects contributing to the greater social and cultural integration of the religious minorities in Spain, represented by non-Catholic denominations with an agreement of cooperation with the state” (cited in Garcimartín Montero 2006, p. 190).<sup>21</sup> The Foundation should financially contribute to the “execution of programmes and projects of a cultural and educational nature, or for social integration” by non-Catholic faiths (idem). Officially, the state still does not finance worship, but because a broad range of other activities can be financed directly (via the foundation) and beneficiaries have autonomy in the allocation of funds, religious organizations may well decide to use their own private means for the costs of worship (e.g., housing and salaries) and use subsidies for all other kinds of costs and activities (Garcimartín Montero 2006, p. 195). This means that a

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<sup>19</sup> In order not to create too many disadvantages for groups that have not concluded such a formal agreement the opportunity of claiming a status of being “deeply rooted” (*notorio arraigo*) in Spanish society also exists.

<sup>20</sup> Paradoxically in this period some large scale mosque projects, financed with foreign funds, were realized, notably in Madrid and Valencia, which were still framed as belonging to Spain’s natural openness to Islamic culture (Astor 2014, p. 8).

<sup>21</sup> This budget has been substantially reduced since 2011 due to the economic crisis.

system of quite substantial state financing of non-Catholic religious organizations, including Islamic ones, has been created. In addition, the regional government of Catalonia as well as several city councils have sought to facilitate, also financially, the building of mosques, even though the economic crisis and political protests have oftentimes hindered the effective implementation of these plans (see Astor 2014).

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## 5 Protection from Hate-Speech and Blasphemy

A second policy domain in which Islamic presence has become related to host-country institutional changes, concerns opportunities to criminalize discriminatory speech. This domain is well suited for the purposes of this chapter because the debates involved many instances of challenges to existing (hegemonic) cultural understandings, for example with regard to what should count as (deeply) “offensive” speech (Butler 2009) and as “transgressive humour” (Kuipers 2011), and about whether there exist unwanted forms of institutional bias in favour of, on the one hand, guaranteeing freedoms of expressions for extreme “secular speech” as opposed to extreme “religious speech”, and, on the other hand, a willingness to protect the sensibilities of Christians and Jews more than those of other religious and non-religious people. The events around the publication in 1988 of Salman Rushdie’s novel *The Satanic Verses* still stand as paradigmatic in this respect. I look here at debates on the need to address the spread of anti-Islamic discourses, especially debates on proposals revising blasphemy and hate speech legislation.<sup>22</sup> I discuss these debates in Britain, and more briefly in Denmark and the Netherlands.

In Britain the 1997 Runnymede Trust report on *Islamophobia* already recommended creating new legal provisions to punish “incitement to religious hatred”. Eventually, the so-called Racial and Religious Hatred Act of 2006 amended legislation in view of making it possible to punish speech and acts that intentionally stir up religious hatred (Goodall 2007, p. 90). This Act is often considered illustrative of British multiculturalism and the willingness to “create space for minority groups within the law to find recognition of their cultural, ethnic and religious identity” (Grillo 2007, p. 120). I will not discuss whether or not the Act struck a good balance between the principle of free speech and protection from harm, but explore how calls for changes of hate speech legislation were to a significant extent triggered by Islamic presence.

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<sup>22</sup> I use “hate speech legislation” as a short hand to refer to legislation that criminalizes incitement to violence, discrimination, “communal libel”, “group insult”, and so on (Maussen and Grillo 2014).

In the British<sup>23</sup> context three main opportunities were discussed to *criminalize* speech that is seen as injurious and harmful to religious people: the Race Relations Act, the Public Order Act, and the blasphemy law.<sup>24</sup> The Race Relations Act was introduced in 1965 in the context of inter-racial violence and it sought to deal with forms of racism and racial discrimination that did not breach public peace, and could therefore not be seen as an offence under the Public Order Act (see below) (Fennema 2000, p. 131). It was amended in 1976, in connection with the ratification by the UK in 1969 of the International Covenant on the Elimination of all Forms of Racial Discrimination (ICERD). As its name demonstrates the goal of the Race Relations Act was to combat *racial* discrimination and it defines “racial grounds” as meaning “any of the following grounds, namely colour, race, nationality or ethnic or national origins” (this was amended in 2000, see below). The Public Order Act of 1986 also, includes the criminalization of speech that can “stir up racial hatred”. Since it is in place, the courts have ruled that “race” can include mono-ethnic groups defined by particular characteristics such as a shared history, cultural tradition and language, including Jews and Sikhs<sup>25</sup>, but not Muslims, Christians, Hindus and Rastafarians, that are said to be defined by their religion (Nash and Bakalis 2007, p. 351; Bleich 2011, p. 24). Finally, the “law of blasphemy” (abolished in 2008) made it a crime to “vilify and make light of religious belief or to ridicule the central figures of Christianity” (Nash and Bakalis 2007, p. 352). This law served foremost to protect Anglican Christian beliefs associated with the Church of England.

The aforementioned Racial and Religious Hatred Act of 2006 actually is an amendment to the Public Order Act. The idea of using this law to protect non-Christian religious minorities from hateful speech reappeared on the agenda against the background of the events of 9/11 and political debates about terrorism, security

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<sup>23</sup> I focus on Britain here, meaning laws that are binding on England and Wales, but not always on Scotland and Northern Ireland.

<sup>24</sup> As (Goodall 2007, p. 92) observes these special arrangements exist alongside some other, more general, legal provisions such as “religiously aggravated” offence under Sect. 5 of the Public Order Act or the common law criminalizing any incitement of another to commit a criminal act. However, amendments have also been made to these laws, for example the Crime and Disorder Act of 1998 had only included “racially aggravated” in its formulation, but the Anti-terrorism, Crime and Security Act of 2001 also covered “*religiously aggravated*” offences (Grillo 2007, pp. 119–120).

<sup>25</sup> See the so-called “Mandla case” of 1982, which was about a Sikh boy who was refused entry to a school in Birmingham because he was wearing a turban. In this context the application of the concept “ethnic groups” to Sikhs in the context of racial discrimination legislation came up. I am grateful to Ralph Grillo for bringing this to my attention.

and radicalism.<sup>26</sup> A Select Committee on Religious Offences in England and Wales, which was established in 2002 to reflect on possibilities to protect minority religious communities, deemed an “incitement to religious hatred” Act necessary. By including a separate item on incitement to “religious *hatred*” the Act sought to remedy the unequal treatment that resulted from the fact that some religious groups were considered sufficiently “ethnic” to qualify as “racial groups” (incitement to racial *hatred* was already criminalized), whereas others, notably Muslims, were not. An important contextual motive to correct this “gap in the law” (Goodall 2007, p. 91) was that Muslims were particularly prone to be victims of hate speech, notably after the July 2005 London bombing by radicalized British Muslims.

There was in principle also the opportunity of reconsidering the 1976 Race Relations Act, which also did not include an explicit reference to punishment of incitement to religious hatred or religious discrimination.<sup>27</sup> There were indeed institutional and political pressures to change this legislation, but they were not primarily driven by the above-mentioned debates in Britain, but involved institutional pressures at the European level. In line with EU Equal Treatment Directives, Britain has amended the Race Relations Act via new Equality Acts of 2006 and 2010, which have included a broader set of grounds for speaking of discrimination in a legal sense, now also involving distinctions on the basis of religion or belief, sexual orientation, and age.

Another illustration of contestations around the unfairness towards Muslims of British institutional arrangements with regard to hateful speech is the blasphemy law (also see Weller and Cheruvallil-Contractor in this volume). Actually, in 1991 there was an (unsuccessful) attempt by a Muslim man (Mr. Choudhury) to launch a prosecution against Salman Rushdie for offences against Islam in *The Satanic Verses*. This failed because the Magistrate noted that the blasphemy law only protected Christians, which brought the Archbishop of Canterbury (Robert Runcie) to suggest that the law should cover all religions (Tomes 2010, p. 242). British blasphemy laws should be situated in the context of an “Anglican constitutional order” (Hunter 2013), comprising the intention to “defend the religion of the land established by law” and to protect public morals (Nash and Bakalis 2007, pp. 360–61). The contin-

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<sup>26</sup> The plan for a new law was initially proposed to be included as a part of the Anti-Terrorism, Crime and Security Bill in 2001.

<sup>27</sup> Importantly, in its original formulation of 1965 this Act preceded the ratification by the UK of the ICERD. Whereas many other countries, such as France or the Netherlands, changed their hate speech legislation in the 1970s to cover incitement to hatred for membership of national, ethnic, racial *or religious groups*, in the British context the focus remained on “race” and the phrasing it used was to define “racial grounds” as meaning “any of the following grounds, namely colour, race, nationality or ethnic or national origins”.

uation of a blasphemy law exclusively protecting (Anglican) Christian sensibilities seemed to be undermining attempts to place all religions on equal footing.

The debate on revising the blasphemy law then reappeared in the context of the Racial and Religious Hatred Act, when Lord Avebury suggested that the new Act should be a motive to abolish the offence of blasphemy. This option had been discussed, alongside other possibilities, by the Select Committee on Religious Offences mentioned above. Interestingly the Muslim Council for Religious and Racial Harmony, that was audited by them, suggested that a repeal of the bill was a form of “negative equalization” and instead proposed to introduce legislation against incitement to “sacrilege and abuse of religious sanctities” of which it deemed Rushdie’s *Satanic Verses* an illustration (Hunter 2013, p. 418). In January 2008 a new debate was initiated by public figures, who demanded the abolition of a law that was discriminatory, had a chilling impact on freedom of expression and was unlikely to actually serve as a basis for conviction.<sup>28</sup> The Archbishop of Canterbury (Rowan Williams) stated that the Church of England would not oppose the abolition, but other Christian leaders and institutions were more reserved, fearing the abolition would send out the wrong signal with regard to respect for religion in general and the special role of Christianity for British history and culture in particular. An Act of Parliament effectively abolished the blasphemy laws in May 2008.

With regard to hate speech legislation and anti-discrimination legislation the British case was somewhat exceptional in the way a discriminatory bias was created against religious (as opposed to racial or ethnic) groups, and at the disadvantage of Muslims in particular. In Denmark and the Netherlands hate speech legislation was also amended following the ratification of the ICERD, but they included religion immediately as a possible ground for criminalization. In the Netherlands group insult and incitement to hatred, discrimination or violence on account of race, religion or belief, gender, hetero- or homosexual orientation, or handicap are criminal offenses since 1971 because of article 137c and d of the Criminal Code. Even though there have been recurrent debates on whether or not the phrasing of these articles should change, the most important changes have been in legal practice and interpretation. Of particular relevance have been changes in the politicisation of hate speech bans over the past 20 years (Van Noorloos 2014). Both in Denmark and in the Netherlands there have been debates on whether legal practice (as well as public outrage) are biased towards particular forms of hate speech, notably whether there is more moral indignation with regard to anti-Semitic speech (see also chapter on Denmark in this volume). The degree to which the Dutch law in these days

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<sup>28</sup> The immediate context for this event was the conviction of a British school teacher in Sudan for naming a classroom Teddy Bear “Mohammed” (Tomes 2010, p. 247).



effectively can help protect Muslim sensibilities and criminalize certain forms of Islam critique found a test case in the trial of Geert Wilders. In 2011 Wilders was acquitted for several statements, including the comparison of the Koran with *Mein Kampf* and his propaganda film *Fitna* (see van Noorloos 2014, pp. 256–258). Also in the Netherlands the idea of making use of the article on “scornful blasphemy” in the Criminal Code in order to protect Muslim sensibilities has figured in the public debate. Paradoxically a controversial suggestion to make use of this legal provision (that was in actual fact “dormant” and there had been no prosecutions since 1968) in view of addressing anti-Islamic discourses, which was made in the context of the assassination of the filmmaker Theo van Gogh in 2004, by then Minister of the Interior, the Christian-Democrat Piet Hein Donner, resulted in a renewed political debate to abolish this piece of “outdated” legislation. Eventually, in April 2013 the Parliament voted in favour of abolishing the law and in December 2013 the Senate did the same. However, the senate simultaneously accepted a motion asking for exploration of additional ways of protecting religious sensibilities.

In Denmark the idea of scrutinizing blasphemy legislation in relation to Islamic presence also arose, but in very different terms. The idea of abolishing the blasphemy provision was actually put on the agenda by the populist Danish People’s Party in the 2000s, as a way to avoid that Muslims might want to use it to demand punishment of those who offended Islam and Muslims. Against the background of the assassination of Theo van Gogh and the broadcasting of his film “Submission”, the party defended changing the legislation by stating: “Now the law is suddenly highly relevant, since Muslims have taken legal action against [TV channels] DR and TV2 for offending their religious feelings by broadcasting the film ‘Submission’ by Theo van Gogh” (cited in Larsen 2014, p. 203). Signe Larsen has shown how in the Danish debate the positions on whether one would be for or against having a law on blasphemy were not represented as opposing religious people versus secular people, but as opposing protestant Danes and non-integrated Muslims. Protestantism was represented as a “blasphemous religion” itself, in which believers and religious leaders had dared to step up against (Catholic) religious dogma. Blasphemy was therefore fundamental to the type of religion critique that was necessary for modernity and change, which was why Islam and Muslims had great difficulty in coping with it. Furthermore, the need for Muslims to learn to cope with satire and critique with regard to their religion was being represented as a requirement of cultural integration. As Fleming Rose, the editor of *Jyllands-Posten* publishing the Muhammad cartoons, observed, the cartoons should be seen as: “an act of inclusion, not exclusion; an act of respect and recognition” (cited in Larsen 2014, p. 206). The experiences in both countries show that the dynamics of public and political debate were such that there was progressively less understanding for legal provisions to protect religious sensibilities, and least of all those of Muslims.

## 6 Concluding Observations

The debate on “postsecularism” and the normative literature on church-state relations tend to focus on how institutions *ought* to change in view of accommodating Muslim needs and demands. The aim of this chapter was to conceptualize and explore *empirically* what processes of institutional change have looked like in Britain, Denmark, France, the Netherlands and Spain. Even though the unfair treatment of Muslims has been articulated repeatedly and in different policy domains, it makes more sense to speak of “episodes” of contestation and debate, rather than of a constant pressure on existing institutions. *When* these episodes occur varies per country and depends not only on Muslim mobilization but also on shifts in opportunity structures and upon many relevant “external events” and socio-political processes. The latter include notably: the steady rise of a “secular voice” and political spokesmen demanding further secularization of church-state arrangements (since the 1970s, especially in the Netherlands and Denmark); the rise of populist parties riding on an anti-Islam ticket (in France since the late 1980s, in the Netherlands and Denmark since the late 1990s); shifts in immigrant integration policy paradigms, first towards “multiculturalism” (in Britain and the Netherlands in the 1980s in Spain somewhat later) and then towards “assimilation” (shifts were most remarkable in the Netherlands and Denmark); growing concerns about Islamic radicalism coupled to the political will to demonstrate that “normalized Islam” can find its place and that preventing hate-speech against Muslims is taken seriously); and “external events” such as intense debates on free speech (the Rushdie Affair, the Danish Cartoons) and terrorist attacks (9/11, the assassination of Theo van Gogh, the Madrid and London bombings). Changes in opportunity structures shape the course that discussions on institutional changes will take, and the outcomes are therefore relatively unpredictable and contingent.

Roughly three options are commonly explored: first, pluralization of existing arrangements to allow for a more equitable position of Muslims as religious newcomers, second, further “secularization” of arrangements in view of abolishing (perceived) pro-religious and/or pro-Christian bias, and, third, maintaining existing arrangements either because they are said not to discriminate against newcomers and/or because the existence of majority bias for cultural and historical reasons is seen as legitimate and claiming that it is up to Muslims to adapt and “integrate”. Far from witnessing an incremental process in the direction of more accommodation and “evenhanded inclusion”, this chapter has demonstrated that processes of contestation develop and that responses can move in different directions. Not all options are equally viable though, and national and European legal-constitutional constraints exist that set limits to unequal treatment of (religious) minorities.

The examples and discussions that were documented in this chapter do not lend themselves to formulating firm empirical conclusions. Yet, several observations can be made by way of conclusion. First, the motives behind specific institutional amendments vary, and more than once the promotion of equality was not a primary objective. State subsidies for mosque creation, for example, has been justified as a way of promoting maintenance of ethnic identity, preventing radicalization, discouraging foreign investments, creating good will among the Muslim population, or promoting a tolerant image of the country abroad. With regard to financing of houses of worship, advisory committees in many countries have concluded that inequality continues to be a problem and that established religious groups continue to be privileged, especially if one is willing to take account of history and the ways socio-economic disadvantages and a hostile societal climate constitute obstacles for Muslims. Yet, the willingness to compensate newcomers via a (temporary) subsidy scheme has been lacking at several occasions, both for more principled reasons (“private financing should be the norm”) and for political reasons (“it is hard to explain a policy that seems primarily to advantage Muslims”).

Second, there has been intense “politicisation” of hate-speech legislation and “Muslim sensibilities” over the past decade (Maussen and Grillo 2014). Rather than opting for a “pluralization” of existing blasphemy laws, Britain and the Netherlands have opted for a formal abolishment of this kind of laws, and Denmark is likely to do so in the near future. These laws were already in disuse anyhow, but their formal abolishment has a symbolic function and is often welcomed as a step forward in “secularizing” the governance of speech. When it comes to including Muslims equally in legislation that criminalizes incitement to discrimination, hatred or violence, the trend seems to be towards equality, especially at the level of legal provisions. The Racial and Religious Hatred Act of 2006 played an important symbolic role for discussions in Britain, whereas in the Netherlands and Denmark Muslim sensibilities were already protected equally compared to other religious groups in non-discrimination and hate-speech legislation. To what extent these arrangements also in practice guarantee equal protection against forms of abusive speech directed against Muslims is another matter.

Finally, there is a trend of treating religious and non-religious “expressions”, “convictions” and “beliefs” equally when it comes to the protection of non-discrimination and fundamental freedoms, both at the national but especially also at the European level. This means that the pluralization of institutional arrangements is often less a matter of including Islam into a framework of government of *religious* diversity, but of creating arrangements that allow for peaceful and equal interactions of people with different life-convictions, sexual orientations, (dis)abilities, gender or (ethnic) background. Creating institutional space for social identities and practices associated with Islam will remain a vital aspect of that process.

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# Islam in Europe: Cross-National Differences in Accommodation and Explanations

Ines Michalowski and Marian Burchardt

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## 1 Introduction

The aim of this volume was to provide insights into how Islam as a non-Christian immigrant religion is integrated into European societies. Rather than looking at indicators of individual integration and well-being among Muslims in Europe, we took an institutional perspective on this question by analyzing how European public institutions, legal and political systems, Muslim organizations and representatives, as well as other actors from civil society and the religious field have reacted to the change in Europe's religious landscape that was driven by immigration from countries with Muslim majorities. As the institutions of the immigration countries have been shaped mainly against the backdrop of Christianity as the majority religion, the implantation of a new faith group raises the question whether and to what extent present institutional arrangements are to be renegotiated (also see Meyer and Schubert 2010). As claimed in our Chap. 1 and demonstrated by the country chapters, all of the countries under study in this volume have experienced important processes of institutional change and adaptation that are the result of (sometimes conflict-laden) exchange and interaction. In this comparative chapter, we compare the degree of institutional accommodation for Islam in the different countries and summarize and discuss the explanations provided by the authors of

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the chapters as to why the accommodation of certain religious practices is claimed or not claimed and why such claims are accommodated or rejected.

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## 2 Comparing Levels of Accommodation

The chapters of this book have looked at different aspects of such institutional change and resistance to change: they have explored the existent relationship of state and religion in a historical perspective and looked at specific aspects of adaptation that are usually relevant for Muslims in countries with Christian majorities such as religious apparel (e.g., headscarves) and dietary requests (e.g., halal food, fasting during Ramadan) in public institutions (e.g., schools, administrations, courts), religious education in schools and the construction of places of worship. Since the structure and content of the chapters are not identical for all countries, a systematic comparison based exclusively on the country chapters is difficult. This is why we will fall back on the comparative *Indices of Citizenship Rights for Immigrants (ICRI)* dataset that Ruud Koopmans and Ines Michalowski collected at the WZB Berlin Social Science Center ([icri.wzb.eu](http://icri.wzb.eu)).

The ICRI dataset provides information on citizenship rights for immigrants for the years 1980, 1990, 2002, 2008 (and partially 2012) in 29 countries worldwide, among them Austria, Belgium, Denmark, France, Great Britain, Netherlands, Portugal, Spain<sup>1</sup>, Sweden, and Switzerland. It consists of 41 policy indicators of citizenship rights for immigrants. These can be assigned to two different dimensions: “rights that are attributed to the individual immigrant, which can tend toward either an ethnic or a civic-territorial understanding of citizenship, and, on the other hand, cultural and religious rights that apply to the immigrant because of his or her belonging to a particular ethnic or religious group, tending toward either a monocultural or a culturally pluralist understanding of citizenship.(...) Countries that score high on the dimension of individual rights provide easy access to nationality, encompassing protection against discrimination, and offer similar rights to citizens and aliens. Countries that score high on the cultural difference dimension make few cultural assimilation demands for access to rights, allow expressions of cultural and religious difference in public institutions, incorporate ethnic and religious organizations in political decision making, and facilitate separate institutional arrangements for minorities in institutions such as schools and public media” (Koopmans et al. 2005, 2012).

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<sup>1</sup> The ICRI project only provides information on Spain for the years 2008 and 2012.



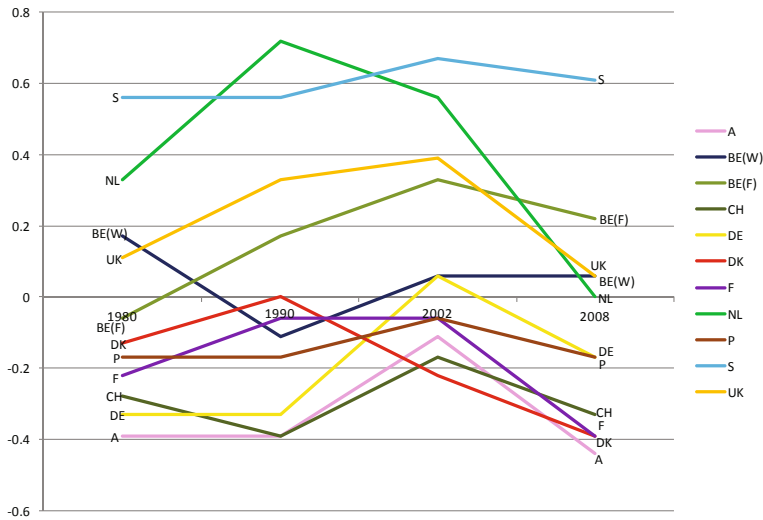
Only the second dimension of cultural and religious group rights is relevant for the purposes of the present volume. This dimension is measured by two groups of indicators namely 9 indicators of cultural rights<sup>2</sup> and 14 indicators of religious rights for Muslims.<sup>3</sup> These indicators have been scored for each country and each year. The score ranges between  $-1$  and  $+1$  and covers the *actual variance* of cases across time and space rather than evaluating the policies of the different countries against an ideal (but maybe non-existing) best-practice (c.f. Koopmans et al. 2012, pp. 2015–2017). The most restrictive case in the sample across time and space is always scored as  $-1$  whereas the most liberal case in the sample is scored  $+1$ . The other cases are situated in between, receiving scores of  $-0.5$ ,  $0$  or  $+0.5$ . Thereby, the ICRI dataset allows for the calculation of averages across countries, across years and across indicators. For the purpose of the present chapter, we have calculated averages across ICRI indicators that relate to state support for cultural pluralism and to state support for religious pluralism. Interestingly, we find different dynamics for the evolution of these two types of rights over time.

Rights granted to immigrants in the field of *cultural pluralism* have expanded in many countries between 1980 and 2002 (see Fig. 1), but were then restricted in the years between 2002 and 2008 in all countries except for the French-speaking part of Belgium (Wallonia) where these rights stagnated. As a result, we can see that most countries grant fewer cultural rights to immigrants in 2008 than they did back in 1980; only the Dutch-speaking part of Belgium (Flanders), Sweden and Germany

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<sup>2</sup> The indicators of cultural pluralism are: Allowance of dual nationality, Cultural requirements for naturalization (e.g., language skills, oaths of allegiance, evidence of cultural and social assimilation), Cultural requirements for incoming spouses (e.g., language tests abroad), Existence of quotas or preferential hiring for minority groups for public sector jobs, Immigrant consultative bodies on the national level, Immigrant consultative bodies on the local level, Mother tongue teaching in public schools, Cultural requirements for the granting of residence permits (e.g., language skills, other knowledge of the host society), Programs in immigrant languages in public broadcasting (radio and television).

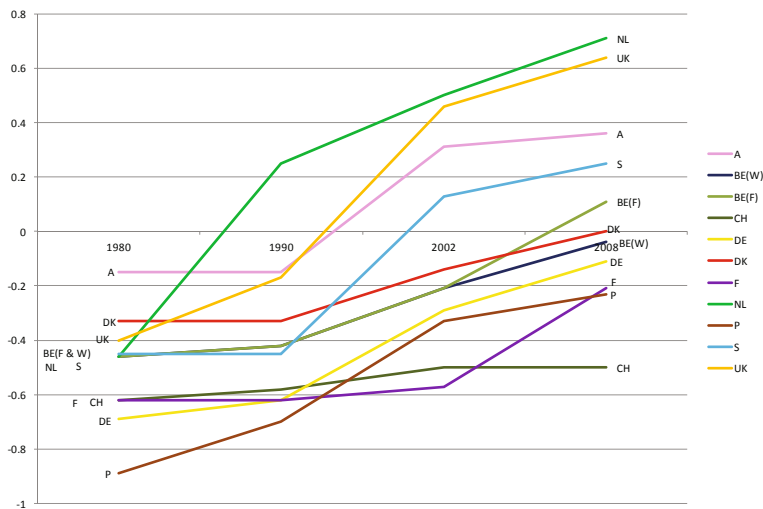
<sup>3</sup> The indicators of religious pluralism are: Muslim consultative bodies, Number of state-funded Islamic elementary and secondary schools (per 100,000 Muslims), Share of costs of Islamic elementary and secondary schools that is covered by the state, Islamic religious classes in state schools, Right of Muslim female teachers to wear a headscarf in public schools, Right of Muslim students to wear a headscarf in public schools, Allowance of ritual slaughtering of animals according to the Islamic rite, Allowance of the Islamic call to prayer in public, Number of mosques with recognizable architecture (i.e., with minaret; per 100,000 Muslims), Existence of Muslim cemeteries and separate sections of cemeteries, Allowance of burial according to the Islamic rite (i.e., without coffin), Islamic religious programs in public broadcasting (radio and television), Muslim chaplains in prisons, Muslim chaplains in the military.



**Fig. 1** Cultural Rights for Immigrants. (Source: ICRI Project. More information on the project can be found at: [icri.wzb.eu](http://icri.wzb.eu))

grant more cultural rights to immigrants in 2008 than in 1980 whereas Portugal maintained a similar level of cultural rights. Thus, on average across all countries, cultural rights for immigrants slightly decreased from  $-0.04$  in 1980 to  $-0.09$  in 2008 (also see Fig. 3).

Nonetheless, Fig. 1 also shows that substantial differences with regard to the absolute level of rights granted persist across countries: Sweden still grants a lot of cultural rights to immigrants whereas these rights are handled much more restrictively in particular in Austria, closely followed by Denmark, France, and Switzerland. Cultural group rights have most changed in the Netherlands where we first observe a sharp increase in the years between 1980 and 1990 but then an even sharper decline in the years between 1990 and 2008. Religious rights for Muslims, however, continuously expand in the Netherlands across the entire time period (c.f. Fig. 2 and 4). These two opposed trends might explain the heated scholarly debate (for many see Entzinger 2003; Koopmans 2008, Bertossi and Duyvendak 2012) about whether or not there is a “multicultural backlash” or “assimilationist turn” in the Netherlands: while cultural rights are cut back, rights for Muslim immigrants are still on the rise. Though more pronounced than in most other countries, these opposing developments in the Netherlands are emblematic for most other Western European countries: an increasing skepticism towards the granting of cultural



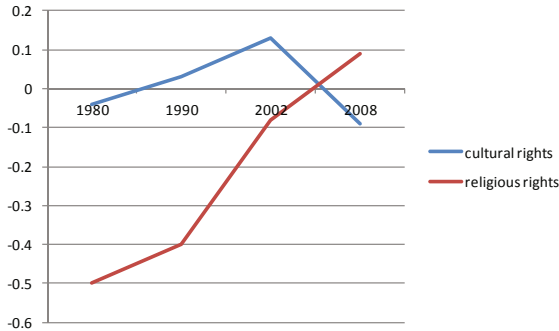
**Fig. 2** Religious rights for immigrants. (Source: ICRI Project)

group rights (or, to phrase it positively, an increasing interest in having immigrants familiarize with the settlement society’s language and culture) goes along with a steady liberalization of religious rights for Muslim immigrants.

As we see in Fig. 2, all countries in the sample are more liberal in terms of religious rights for Muslims in 2008 than they were in 1980 (the average score across all countries increased from  $-0.5$  in 1980 to  $+0.09$  in 2008). With regard to religious rights for Muslims, the Netherlands turns out to be the most liberal country, closely followed by the United Kingdom. Austria and Sweden form another liberal group whereas Switzerland is the most restrictive case in our sample.

Upon closer comparison, the relative positioning of the countries on the two different figures is only modestly related. While Switzerland, France and Portugal are situated rather at the bottom of the 2008-scale in both figures, the position of Austria and Denmark changes from the first to the second figure. Also, the most liberal countries in the two figures are not identical: Sweden has the most liberal cultural rights but Austria and the Netherlands have the most liberal religious rights for Muslims.

Thus, cultural rights for immigrants are on the decline and religious rights for Muslims on the rise in several Western European countries (see Fig. 3). The ICRI dataset suggests that this development is most obvious for Austria, the Netherlands, Denmark and France (see Fig. 4). At the same time, the Netherlands, Portugal and



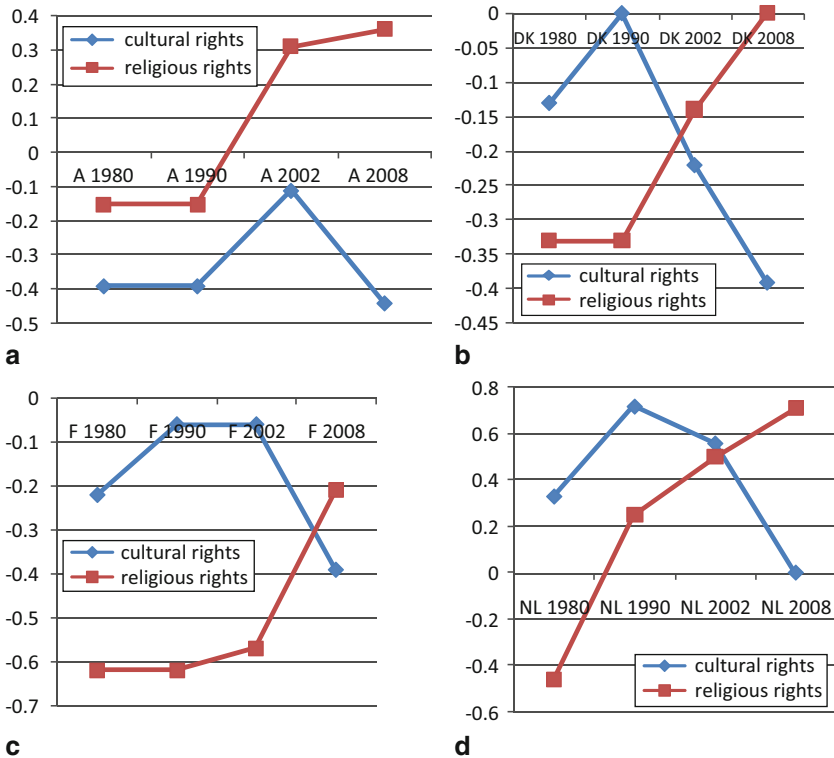
**Fig. 3** Cultural and religious rights in *A, BE, CH, DE, DK, F, NL, P, S*; average scores of indicators mentioned in footnotes 2 and 3.\* (Source: ICRI Project, \*n.b.: absolute levels of rights are *not* comparable across the two themes because indicators are scored on a ordinal scale)

the United Kingdom are the countries with the greatest increase in religious rights for Muslims over the entire time span, even though religious accommodation for Muslims in Portugal attains a lower level than in the Netherlands and the United Kingdom.

In this sense, the ICRI dataset as well as the chapters of this volume confirm that a certain baseline of Muslim accommodation has taken place in all countries under study here. Even Switzerland, the most restrictive case in the ICRI sample for the year 2008 (no Muslim consultative bodies, no Muslim schools financed by the state, no ritual slaughtering, no call to prayer, no Islamic religious programs in public broadcasting, no Muslim chaplains in the military, no headscarves for teachers), has three mosques with minaret, disposes of separate burial sections for Muslims on public cemeteries, partly allows burial without a coffin on these sections, organizes visits by Muslim chaplains in prisons (even though they are not state financed), runs pilot projects for Muslim religious classes in public schools and allows students to wear a headscarf.

### 3 Exploration of Explanations on the Accommodation of Islam in Europe

In the remainder of the chapter we will explore the explanations given by the authors in this volume as to why rights have expanded over time but also what prevented certain accommodations. Since this rather large number of possible explanations



**Fig. 4** Development of cultural and religious rights in the Netherlands, Denmark, Austria, and France\*. (Source: ICRI Project, \*n.b.: the absolute levels of rights are *not* comparable across the two themes)

cannot easily be tested against this rather small number of cases (Lijphart 1975), the aim of the following summary is to give an overview of factors that might play a role in the accommodation of Islam in and beyond Europe. We do this without, however, testing the explanatory strength of the individual variables across the cases.

### 3.1 Numbers and Time of Settlement

The most obvious argument as to why the religious rights for Muslim immigrants have expanded in the years between 1980 and 2008 is that the number of Muslims in Western Europe has significantly increased with the length of Muslim settlement.

Few rights were granted in 1980 because there were only few Muslims who could and would claim them. This is especially true for claims such as special burial provisions, the construction of mosques with minarets, Muslim representative bodies, Muslim military chaplaincies, Muslim schools or the allowance for teachers to wear headscarves since these necessitate a critical mass of Muslims and a certain duration of settlement. This argument has been made in particular for Portugal where Muslim immigration started late and the community was still small in 2011, comprising only some 20,640 individuals (see Bernardo in this volume).

This said, Avi Astor has pointed out for Spain that high numbers may not be a necessary condition for Muslim religious accommodation. In Spain general and profound societal changes, aiming at a more modern and plural society were decisive for liberalizations of religious rights for Muslims—despite the fact that actual numbers of Muslims in Spain at that time were still low. Subsequently, however, the growth of the Muslim population in Spain did play a role in the further expansion of rights. Another point that was raised already in our Chap. 1 but also by Gianni D’Amato in his chapter on Switzerland is that immigrants who came to Western Europe in the 1950s, 1960s and 1970s were not primarily perceived and institutionally framed as Muslims. This only came about at a later stage: for Belgium, Corinne Torrekens designates the 1980s as the moment when “Muslim immigrants in Belgium began to develop a Muslim identity” while Jörg Hüttermann identifies the terrorist attacks in the United States of 9/11/2001 as a critical event that contributed to the culturalization of immigrants into “Muslim subjects” in Germany.

Finally, a fourth point to be made with regard to numbers is that the non-accommodation of certain religious practices does not necessarily pay attention to numbers either. This becomes particularly clear in Brian Arly Jacobsen’s chapter on Denmark where specific legislation was passed to ban headscarves for judges and jurors even though *de facto* very few if any women will ever be concerned by this legislation. The defense of certain principles and symbolic politics can be more important than actual numbers.

### **3.2 State-Church Relationship**

With few exceptions, the contributions in this volume underline the importance of the existing state-church relationship in terms of the starting point for negotiations about the positions of Islam in Europe. These different state-church regimes are highly complex and specific national configurations of the relationship between the state and the church that, even though the regimes of several countries are sometimes labelled the same way, are intrinsically tied to specific national histories. This is why Matthias Koenig (in this volume) argues, that the usual models of state-

church relationship (separation, concordatarian, establishment) are not sufficient to grasp the differences across countries. He argues in favor of “varying institutional arrangements of political organization, collective identity, and religion that result from distinctive historical paths of state-formation and nation-building” as a concept for analyzing the relationship between church and state or. As a matter of fact, the existing regimes seem to have very different effects on the accommodation of Islam:

For France, Leyla Arslan argues that the traditions of organizing the relationship between state and religion marked by *laïcité* had a negative influence on the accommodation of Muslims whereas in Austria, the long-established legal acknowledgment of Islam has worked in favor of Muslim rights (see Mattes and Rosenberger). In the Netherlands, the frequently mentioned system of pillarization (see Schuh) has been identified as a major catalyzer for Muslim religious accommodation, too for the period of the 1980s and 1990s. Afterwards, however, dwindling public support for pillar politics made it obsolete as a model for Muslim incorporation.

For Belgium and Denmark, Corinne Torrekens and Brian Arly Jacobsen note that the Catholic Church and the Evangelical Lutheran Church respectively have a privileged relationship with the state (as the only church with a concordat or the official national church). Yet, in both countries the state has made agreements with other religions including Islam that roughly follow the pre-existing arrangements with the dominant Christian church. In Sweden, state-grants that were initially reserved to the former state church were first opened to the Catholic and Jewish faith groups which paved the way for other groups, including Muslims (also see the chapter on the Netherlands for a similar observation).

For Portugal and Spain, Luís Bernardo and Avi Astor observe that the state is actively involved in the disestablishment of the Catholic Church in order to do away with a heritage from dictatorial times. Thus, in these two countries, the starting point for the stronger incorporation of Islam was a general restructuration of the relationship between the state and the Catholic Church rather than a strong concern about Muslim rights per se. Astor describes how the building of a more plural and tolerant society was meant to occur through the symbolic recognition of historically-oppressed minorities such as Muslims (and Jews).

For Great Britain, Paul Weller and Sariya Cheruvallil-Contractor interestingly argue that it was mainly inconsistencies in the British system that have allowed for the accommodation of Islam. According to the authors, these inconsistencies are a result of the common law tradition that works with case law on a bottom-up principle rather than with a Napoleonic system of codified law, and in the establishment policies of the Anglican Church, with only the Church of England

being established by law and the Church in Wales, the Episcopal Church of Scotland, and the Church of Ireland not being established. This argument, which is partially an argument about federalism, could also be interesting for Switzerland as a country where different forms of state-church relationship provide different opportunity structures for Muslims (d'Amato).

Finally in Switzerland (and apparently also in Sweden) restrictions on slaughtering without prior stunning are the remnants of a legislation initially directed against Jews in the first half of the twentieth century.

### 3.3 Citizenship Regimes

Since Muslims in Western Europe are mostly immigrants, it is frequently argued that citizenship regimes have an influence on the accommodation of Muslims. The most straightforward argument is that citizenship status and the form of establishment as an immigrant group play a role for Muslim claims-making (c.f. Koenig in this volume). This argument is also supported by several country chapters stating that a relatively easy access to citizenship fostered Muslim claims-making (Netherlands, United Kingdom) because Muslims were able to argue that as citizens, they should have the same rights as citizens of other faith communities (also see Great Britain). On the contrary, the lack of citizenship or even proper documentation among Muslims in Spain has been identified as a reason why Muslims were reluctant to formulate claims (see Astor). Only the chapter on Switzerland states that a survey carried out among immigrants in Switzerland actually brought to the fore that Muslims in Switzerland do not see citizenship as a tool for more effective claims-making (d'Amato).

More complex versions of the citizenship regime argument turn towards the underlying cultural notions of nationhood and national belonging and focus on processes in the receiving society rather than on the emancipation of immigrant groups. For Belgium, Corinne Torrekens observes that Dutch-speaking Flanders has been forged by multiculturalism and is consequently more open about the recognition of (religious) groups whereas French speaking Wallonia is influenced by assimilation and thus more restrictive about the granting of rights perceived as being specific to particular groups. Similarly for the Netherlands Cora Schuh points out that citizenship is understood in more culturalist (in the sense of assimilationist) terms (also see Hüttermann in this volume for a theorization of such a process). For Great Britain, however, Weller and Cheruvallil-Contractor observe the opposite process: they state that over time, a fundamental change of what it means to be British has taken place; it has become less certain what Britishness actually means (c.f. Hall 1997).



### 3.4 Colonial Regimes

It is generally assumed that an experience of colonial rule in countries with large Muslim populations has an influence on how these countries deal with Muslim immigrants today (Maussen et al. 2011). Even though arguments about colonial rule frequently point to hierarchical power relations based on stereotyping and the devaluation of “indigenous” culture and religion, the authors of the chapters on Portugal and the United Kingdom rather focus on the fact that famous and influential individuals as well as dignitaries from the colonial empires have come to live in Portugal and the UK where they had influential positions in public debates and where some first steps towards religious accommodation were made for them. On the contrary, Johan Cato observes that in absence of a colonial regime, Sweden’s experiences with Muslims are very recent.

### 3.5 Supra-national Institutions

Especially in the 1990s, many authors (Soysal 1994; Sassen 1998) predicted a liberalizing effect of supra-national institutions such as supranational courts (e.g., the Council of Europe’s *European Court of Human Rights* or the EU’s European Court of Justice) and other supranational institutions in particular within the European Union on migrants’ rights. Matthias Koenig (in this volume) recognizes that a strong version of this hypothesis is controversial (Joppke 1999) and that supranational institutions may not have the power ascribed to them in the first place; yet they are not powerless either. In his chapter, Matthias Koenig shows how different supranational norms and conventions have worked in favor of the implementation of religious freedom on the national level. One such example is provided by Paul Weller and Sariya Cheruvallil-Contractor who state that EU membership had an influence on the adoption of anti-discrimination guidelines in the UK which ultimately lead to more equal legislation for Muslims. A further interesting aspect in this regard is that the new Swiss Constitution from 1999 directly refers to international fundamental rights that operate “as a protection against exclusion and unequal treatment with regard to one’s own religious beliefs” (see d’Amato on Switzerland). However, these principles have not prevented the infamous Swiss vote on a ban of minarets.

### 3.6 Courts and Legal Systems

As all country chapters show, national courts are an important actor in field of accommodation of Islam. In fact, Gianni d’Amato (in this volume) rightly notes that

“the juridification of religious differences is one response to the struggle for recognition in modern societies”. However, their effect on religious accommodation is difficult to predict. This has to do with the complexity of the legal system.

For one, several chapters have shown that courts, of course, depend on the existing legislation against which Muslims’ claims for accommodation have to be evaluated. In some cases, this legislation has then come to be seen as insufficient or unjust. For example, the British court ruling in the so-called “Rushdie affair” revealed that blasphemy laws of that time only applied to the Anglican Church. This has led to Muslim mobilization and eventually to legal changes (Weller and Cheruvallil-Contractor). In other cases such as Germany (c.f. Chap. 1), a court decision revealed that the existing legislation was insufficient to prohibit headscarves for teachers in public schools. This triggered a series of sub-national state-laws on headscarves and religious apparel in schools (Henkes and Kneip 2010).

Second, the country chapters have shown that courts sometimes but not always judge in favor of religious accommodation. While some rights have a constitutional status and cannot be challenged (e.g., the right to educational freedom in the Netherlands, see Schuh in this volume), contradictory court rulings have been emitted on the headscarf in Belgium (see Torrekens in this volume). For Switzerland, Gianni d’Amato explains that the Swiss legal principle saying that only similar cases have to be treated equally can explain why courts have not always ruled in favor of extending religious rights for Muslims. In similar vein, the Danish Supreme Court has ruled that even though headscarves are allowed in schools and public services, headscarves may be prohibited by private companies for positions requiring contact with the public (Denmark; also see the chapter on France for a similar debate). In the United Kingdom, previous decisions on similar cases play a particularly important role since the British legal system functions by case law (Weller and Cheruvallil-Contractor). Another specificity of a national legal system, namely the absence of a constitutional court in the Netherlands, has allowed for the acceptance of a law making face veils an obstacle for the reception of social insurance. In fact, the Dutch State Council had spoken out against this law proposal but its recommendation was ignored and the restrictive law voted (c.f. Schuh in this volume).

Third, legal action on religious accommodation may vary according to the type of claim that is being made. Matthias Koenig differentiates claims for toleration, claims for autonomy, claims for tolerance and finally claims for equal participation and explains that these claims have an increasing level of demanding-ness. According to Koenig, claims for the allowance of ritual slaughter fall under the category of toleration that demands only little change in the receiving society. This might be one explanation why ritual slaughtering is allowed for example in Denmark. Brian Arly Jacobsen (in this volume) further observes that this accommodation

could be defended against claims from left- and right-wing parties to abolish it (pointing in particular to animal rights) because principles of religious equality with the Jewish faith group and of general religious freedom were invoked. These rights prevailed in particular over animal rights (see Jacobsen in this volume). In her chapter on the Netherlands, Cora Schuh adds to this debate by pointing to mechanisms maintaining a hierarchy of rights; she observes: "Collective rights are being challenged but seem to be upheld when conflicting ethics are not firmly established (animal welfare) or when the practice in question is so popular that a ban is seen as undermining controllability (circumcision)."

Finally, the chapters of this volume suggest that the claimant is another important factor influencing the (non-) accommodation of Muslim religion in Europe. Here, the chapter on Portugal suggests that there is a trade-off between negotiating accommodation on the political level and claiming it in courts. Luís Bernardo writes "There is a clear strategic outlook by Muslim representatives in not claiming for rights nor filing complaints under non-discrimination legislation, (...) judicial action takes a clear backseat to political processes and institutionalized action through recognized venues; those Muslim representatives who hold seats in institutions seek to gain influence by establishing Muslim communities as legitimate, legible (...) and non-confrontational members of the religious field".

### **3.7 Governments, (Party) Politics and the Populist Right**

The chapters in this volume draw a mixed picture of the influence of (party) politics on immigrants' rights. In line with common-sense expectations, the Spanish conservative Aznar government pushed for the re-traditionalization of Spain, including the preservation of its catholic heritage and values (see Astor). On the contrary, a specific branch of the Swedish Social Democrats (the Religious Social Democrats) pro-actively decided to broaden their focus from Lutheran Christians to Muslims; they subsequently acted as a spokesperson for Muslim claims such as the construction of mosques and halal food (see Cato). Yet, the chapters also show that the French Socialist minister at the time was unsuccessful in his attempt to prevent a restrictive handling of headscarves among French students (see Arslan) and in Belgium, only three MPs from the Flemish and French-speaking Socialist and Green parties abstained from the vote of a bill prohibiting the wearing of the full veil in public (see Torrekens). These contradictory effects of parties in power are in line with other findings stating that leftist governments do not systematically liberalize and conservative governments do not automatically restrict immigrants' rights (Howard 2009; Janoski 2010; Koopmans et al. 2012).

For the effect of the populist right on religious rights for immigrants, the authors of the chapters note two different things. Several country chapters note that the populist right has contributed to a harshening of the public debate by generalizing Muslim extremist behavior to the entire Muslim population. For France, Leyla Arslan notes that it was impossible for politicians from other parties to simply ignore the Front National; even a minister from the socialist party admitted that the Front National asked good questions but that they provided the wrong answers. In Switzerland, members of the radical right directly intervened in politics by forming a committee that launched an initiative to ban minarets (d'Amato). For two other countries, however, the authors observe a liberal consensus against right wing populists. In Denmark, the populist right proposed a ban of headscarf in public that received no support from other parties but a public debate on headscarves for judges resulted in a restrictive law (see Jacobsen). In Austria, where right wing populists apparently succeeded in harshening the debate and in restricting general citizenship rights for immigrants, Astrid Mattes and Sieglinde Rosenberger show that religious rights for Muslims remain untouched. The authors point to four explanations: the long-established legal acknowledgement of Islam in Austria, the existence of a religious alliance including the influential Roman Catholic Church, a liberal consensus of mainstream political actors against right wing populist pressure on religion policies and the corporatist character of politics<sup>4</sup> that are generally friendly towards religion. This finding of a different effect of the populist right on religious and cultural rights is particularly interesting in the light of previous studies (Howard 2009, Koopmans et al. 2012) that find a negative effect of right wing populist parties on citizenship rights for immigrants.

### 3.8 Media and Public Debates

The authors in this volume who have pointed towards the role of media and public debates on religious accommodation of Muslims generally mention the negative tone of the public debate. For France, Leyla Arslan states that public debates in the media had a negative influence on the attribution of rights and Corinne Torrekens notes the same for public debates in Belgium, in particular with regard to halal slaughtering. Brian Arly Jacobsen however observes that in Denmark, media debates have often presented Muslims as uncivilized, e.g., with regard to halal slaughter but this culturalist turn in the public debates did not really influence the

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<sup>4</sup> Matthias Koenig (in this volume) hypothesizes that corporatist polities lead to the development of hierarchically structured religious organizations.

(liberal) policies. More generally, Gianni d'Amato observes for Switzerland that media debates are dominated by reports on practicing Muslims while those who are "cultural Muslims" (and thus potentially less controversial) go unnoticed. Given the potential negative effect of public debates on Muslim accommodation, it may not astonish that in Spain initiatives concerning the presence of Muslims and other religious minorities were taken at a time when issues of diversity were not yet a matter of public concern and thus posed little political risk (see Astor).

### 3.9 Critical Events

Closely linked to media and public debates are critical events, often on the international level, that influence the perception of Muslims and Islam in the different countries. Or, as Jonathan Laurence (in this volume) puts it: "Three defining moments for Political Islam's public position in European societies took place between 1988 and 1990—the Rushdie affair, the first headscarf affairs, and the first Gulf War." This is actually mirrored by the country chapters. Radical Islamist developments in the Middle East and the first Gulf war are mentioned as factors for the public debates on Islamic presence in France and Portugal, the Rushdie affair apparently had an influence on debates in France and the Netherlands and obviously in the UK (also see Maussen and Koenig in this volume) and the headscarf affairs in French schools were discussed in other European countries as well, for example in Belgium (see Torrekens). Yet, it comes as no surprise that the country chapters on Spain and the UK also mention the terrorist bombings not only of 9/11/2001 in the United States but also those committed in Madrid and London. For Spain, Avi Astor describes that the Madrid bombings have contributed to the politicization of Islam in Spanish society but he also observes that after the Madrid bombings the Council of Ministers created the Foundation for Pluralism and Coexistence that *inter alia* explained the regulations around ritual slaughtering, Islamic cemeteries and mosques (for a similar analysis see Bleich 2009). For the UK, Paul Weller and Sariya Cheruvallil-Contractor observe that after 9/11/2001 and after the 7/7/2005 bombings in London, British society moved away from multiculturalism. Moreover, the chapter on the Netherlands (see Schuh) stresses that the murder of the Dutch filmmaker Theo van Gogh in November 2004 has led to more mutual suspicion but also pushed Muslims in the Netherlands to distance themselves from radicalism. Despite these observations, it is difficult to link such events to particular restrictions in religious rights for Muslims.

### 3.10 Religious Field and Civil Society

Next to the government and the media, other actors from the religious field and civil society intervene for or against the accommodation of Islam in Europe. Interestingly, several country chapters show that the national dioceses of the Catholic Church have reacted differently regarding the accommodation of Muslims. In France, the Catholic Church, inspired by Vatican II, was lending out prayer space to Muslims at a time when there was not enough prayer space provided for through public authorities (see Arslan) and in Austria, an alliance of religious communities, among them the influential Catholic Church has worked in favor of an extension of religious rights for Muslims (see Mattes and Rosenberger). In Portugal, on the contrary, the Roman Catholic Church has functioned as a gatekeeper for Islam and tried to defend its dominant position (see Bernardo) and in Switzerland, the local Catholic and the local Protestant Church have publicly supported local protests against the building of minarets. Also in Switzerland, civil society animal rights activists have mobilized against halal slaughter (see d'Amato).

### 3.11 Accommodation as Control

Matthias Koenig (in this volume) reminds the reader that the accommodation of religion by the state has to be seen in the light of power conflicts between the state and religion. While past conflicts between the state and the Christian Churches are known to us as conflicts over secularity (Burchardt and Wohlrab-Sahr 2013), present power struggles between European states and Islam take place against these “complex institutional arrangements of political organization, collective identity and religion” (Koenig in this volume). European states exert control over Islam in several regards. Most prominently, states have tried to control Muslim communities with the creation of so-called Islam Councils (see Laurence in this volume). The degree of control apparently differs across countries with the French, German and Belgian governments exerting strong and the British government exerting rather weak influence on the selection of participating organizations and leaders (see Koenig, Arslan, as well as Torrekens in this volume). Similarly for Spain, Avi Astor notes that the state-run Foundation for Pluralism and Coexistence has empowered certain groups and disempowered others and that this has motivated critics to say that the Foundation served the “objective of controlling and domesticating Islam” more than the one of promoting religious freedom. Jonathan Laurence (in this volume) notes that not only European governments are trying to control Muslim religious organizations in Europe but that immigrant sending countries

with Muslim majorities as well as wealthy Arab countries are trying to take control over Islamic organizations in Europe by providing money for example for the construction of mosques (also see Maussen in this volume). Beyond the control of Muslim political representatives, accommodating Islam can also imply the control of religious practices. In this context, Cora Schuh notes that following the Rushdie affair, the Dutch government obliged Muslim schools to teach in Dutch language, which allowed for the control of the content. In addition, a ban on male circumcision was rejected in the Netherlands because it would lead to a loss of control over a very wide-spread practice. Finally, in the past, French employers have set up prayer spaces to accommodate and appease Muslim workers who were unsatisfied with their working conditions and risked to go on strike (see Arslan).

### **3.12 Country Image for Tourism and Foreign Investment**

Only the Spanish chapter (see Astor) reports that the planned construction of cathedral mosques in Spain is driven by the interest of urban planners and politicians in enhancing the global and cosmopolitan image of their cities; in particular, the attraction of tourists and wealthy Arab investors was discussed.

### **3.13 Muslim Mobilization**

Since the explanations for accommodation summarized in this chapter are not listed in their order of importance we can finish with surely one of the most important explanations for the accommodation of Islam, namely Muslim mobilization itself. Interesting enough, though, Luís Bernardo notes that Muslim mobilization may be an important but not a necessary condition for the pluralization of a religious landscape. In Portugal, Muslim actors stayed out of the public realm or were not very active in making claims. The reason why change still occurred while the status quo in the field was not challenged by Islam is that other non-institutionalized religious groups have performed the role of a claims-maker with very high public salience (see Bernardo). So while the level of Muslim mobilization has been low in Portugal, the authors of other chapters stress the role of Muslims as active claim-makers. In Spain, Muslim leaders took active advantage of a window of opportunity that presented itself during the phase of reconstructing the Spanish state-church relationship (see Astor) and in the United Kingdom Muslims have traditionally been very active in demanding certain religious rights such as protection from blasphemy or Muslim schools (see Weller and Cheruvallil-Contractor). In

his theoretic chapter, Jörg Hüttermann models the culturalization of conflict. In this model (Muslim) immigrants are no longer framed as “advancing strangers” who face “partially disempowered ushers” but “Muslim cultural subjects” facing “secularized Western cultural subjects”, the two of them marked by “incompatible cultural/civilizational or religious essences”. In this context, the children of immigrants challenge old hierarchies and spontaneously use accusations of racism and discrimination.

Yet, when we look at the level of political Muslim elites, a more complex picture emerges. Here, in particular the country chapters on France and Belgium underline that Muslim activists were in fact torn between protest against government policies and cooperation (also see the chapter on Portugal). This may change according to the type of claim that is made. In Belgium, for example, only few Muslim actors publicly endorsed the wearing of the full veil. Corinne Torrekens explains that opposing the full face veil would have meant risking to lose credibility towards the government on a minor issue at a time when Muslims in Belgium had to fight more important battles such as the allowance of the veil in state schools. Also in France, Muslim organizations were torn between protest against and alignment towards government politics. In particular Muslim representatives who are regular interlocutors for state and government have supported the non-extension of religious rights for Muslims in France (see Arslan). This already touches upon another argument as to why accommodation has failed in some cases which is the fragmentation of “the Muslim community”. In the Netherlands, the *Milli Görüs* split into two branches and only the more liberal branch became a partner of cooperation for the Dutch state (see Schuh). For Spain, Astor notes that dissensions among Muslim organizations (e.g., about who should teach courses at school) impeded the implementation of Islamic religious instruction in schools with a significant number of Muslim students altogether and that similar problems of competence prevented the provision of a Muslim prison chaplaincy. One of the dividing lines Avi Astor identifies runs between converts on the one hand and more recent immigrant groups on the other. Muslim organizations in Belgium have long been struggling for the common leadership requested by the state because several organizations wanted to become the main interlocutor for the Belgian state (see Torrekens). Similarly, d’Amato notes that in Switzerland the fragmentation of the Muslim community has worked against a coherent strategy for claims-making. Gianni d’Amato explains this *inter alia* with the fact that, at least in the public debate, Muslims in Switzerland mainly define themselves by what they are not instead of associating themselves with positive elements of identity. On the other hand, many authors in this volume underline the importance of Islam as some sort of an identity refuge (see e.g., the chapters on France and Belgium) even for those individuals who are not very religious themselves.



## 4 Concluding Remarks

This comparative chapter has shown that the extension of religious freedom is a common trend in Europe, since all countries discussed in this volume have liberalized the rights granted to Muslims in the period between 1980 and 2008. However, we also see that important cross-national differences in terms of the absolute level of rights granted persist. The authors in this volume have provided many possible explanations as to why this is the case. Yet, the volume does not explore systematically the factors that have played a role in each national context; the list of explanations provided above is the result of a secondary analysis of the country chapters, and not their starting point. Thus, if only the Spanish chapter argues that the construction of mosques was part of a strategy through which urban planners sought to attract Muslim tourists and wealthy Arab investors we do not know for sure whether this motivation did not play a role in the other countries. In guise of a conclusion we will therefore only review the explanatory factors discussed for the cases with the most different outcomes on Muslim accommodation: the Netherlands and the United Kingdom versus Switzerland (c.f. Fig. 2).

These countries differ in a meaningful way on of the 13 explanations listed above: First, they differ on the function of citizenship. While the authors of the Dutch and the British chapters underline that citizenship has fostered Muslims' claims-making, the Swiss chapter explicitly mentions a survey among Muslims showing that citizenship was not considered an advantage in claims-making. This suggests that citizenship might have a different value across countries if claims referring to the equality of all citizens are more legitimate and powerful in some countries than in others. Second, in the Netherlands and in Switzerland existing regulations for Jews were extended to Muslims but while the Dutch legislation allowed unstunned slaughtering for Jews and consequently for Muslims, unstunned slaughtering has been prohibited for Jews (and consequently for Muslims) in Switzerland since 1937 (for a similar case see Sweden in this volume). Third, the countries differ with regard to their legal system. The Dutch and the British chapters both mention that certain religious rights such as protection against blasphemy or educational freedom are covered by law and are therefore extended to Muslims (in the British case this only occurred after Muslim mobilization). For Switzerland on the contrary, Gianni d'Amato underlines a specificity of the legal system that only requires equal treatment on fully comparable cases. In this logic, even smaller differences can be used as an argument to refuse Muslim accommodation. Finally, Muslim mobilization differed across the cases. In the Netherlands and the UK, Muslims have mobilized strongly for religious accommodation. The Dutch *Milli Görüs* even split

into two branches, which allowed the more liberal branch to become a partner of cooperation for the Dutch state. Nothing the like happened in Switzerland where the fragmentation of the Muslim community has worked against a coherent strategy for claims-making. Because the populist right has dominated and polarized public debates, the Swiss media focused on practicing Muslims who were more easily associated with extremism and not on the average “cultural Muslim”. This dominance of negative stereotypes in the public sphere may also be one explanation why it has been difficult for Muslims in Switzerland to associate themselves with positive elements of identity; as Gianni d’Amato notes, Muslims in Switzerland have, at least in the public debate, come to define themselves mainly by what they are *not*.

Other explanations provided by the authors of the country chapters as to why Muslims were accommodated in the Netherlands and the UK but not in Switzerland are less obvious. Regarding state-church relationship, the Dutch pillar model was said to have naturally worked in favor of accommodation whereas internal inconsistencies seem to have allowed for the accommodation of Muslims in the UK. This could, however, also be the case for federal Switzerland with its different models of state-church relationship but the outcomes do not suggest that a similar opportunity structure as in the British context really existed. In addition, EU membership and colonial experience were mentioned as liberalizing factors for the UK only. The only restricting influence on Muslim rights presented by the Dutch and the British chapters is the absence of a constitutional court in the Netherlands—the non-binding advice of the Dutch State Council to not make face veils an obstacle for the reception of social insurance was ignored by policymakers. In the UK, the restrictive effect of existing laws that initially only protected the Anglican Church from blasphemy was successfully countered by Muslim mobilization that eventually lead to legal changes. For Switzerland, on the contrary, Gianni d’Amato not only mentions the four factors already listed above, but also explains that the populist right used the Swiss system of referenda successfully to launch the infamous ban of minarets. In addition, the local Catholic and the local Protestant Churches in Switzerland have aligned with the initiative against minarets even though on the national level, the Catholic Church in Switzerland has, just like the Catholic Church in France and Austria, supported Muslim minorities’ strife for religious accommodation. Future research could provide a closer analysis of such mechanisms in the religious field. In addition, quantitative analyzes are needed to test the explanations for the accommodation of Islam provided in this volume against a large number of cases.

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## **Part II**

# **Islam in Selected European Countries**

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# Islam and Muslims in Austria

Astrid Mattes and Sieglinde Rosenberger

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## 1 Introduction

Austria is characterized as inclusive in terms of the governance of religion and thus often described as a best-practice model for the incorporation of religious minorities, particularly Muslims (Gresch et al. 2008; Kroissenbrunner 2002; Mattes 2012; Schakfeh 2005; Sticker 2008a). This assessment is based on the principle of equal treatment of all legally acknowledged religious communities and the rights and resources they are entitled to. The legal recognition of Islam roots in a law of 1912, which Muslim immigrants who came to Austria following the guest worker recruitment of the 1960s and 1970s referred to when they founded an Islamic Community. Since 1979, the *Islamic Religious Community in Austria* (IGGiÖ, 'Islamische Glaubensgemeinschaft in Österreich') has been serving as the official representative body of Muslims in Austria. Because of the legal status, the IGGiÖ enjoys the same privileges as the recognized Christian churches, including the right to provide state-funded religious instruction in public schools, consultation in the law-making process, the right to collect taxes from its members, and various forms of subsidies.

At the same time, prejudices against Muslims are high, as shown, for example, in analyses based on the European Value Survey (Rosenberger and Seeber 2011). In this vein, since the late 1990s, taking issue with Muslim immigrants in a scare-mongering way and treating Islam as a threat to European and national societies

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has become one of the core mobilizing themes for the right-wing *Austrian Freedom Party* (Rosenberger and Hadj-Abdou 2012). Hence, the legal status of inclusion does not seem to be accompanied by attitudes of the public or reflected in anti-migration party politics.

Against this background, the paper is interested in the question why these extensive religious rights and entitlements have not been restricted despite growing controversies and an intensified debate on Islamic presence in the country. We will discuss both the evolvments of rights and the gap between legal recognition of Islam on the one hand and public resentments, successful right-wing parties which take issue with Islam and Muslims on the other. The paper is based on the assumption that a combination of contextual factors is accountable for the situation that religious rights have not been restricted but in fact further implemented. These factors are: a) the legal acknowledgement of Islam b) the overall neo-corporatist character of Austrian politics, c) the emerging alliances of religious communities, among them the influential Roman Catholic Church, and d) a liberal consensus of mainstream political parties against pressure from the right wing parties on religion policies. We proceed as follows: First, we provide basic information on Islam and Muslims, describing demographics and migration inflows. Second, the institutional setting, i.e. religion-state relations will be addressed. Third, the IGGiÖ as the main representative body of Muslims and its historical roots, which essentially influence today's incorporation of Muslims will be described. Fourth, we picture the Islamic associational landscape and some of IGGiÖ's internal challenges. We then elaborate on conflicts and challenges, showing that contentious issues are either imported from other countries or subject to politicization by right-wing parties within electoral politics. Finally, we will identify new challenges and provide a theoretical reflection on the privileged status of Islam.

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## 2 Austria's Muslim Population at a Glance

In the 1950s Austria was a predominantly Roman Catholic country with only small religious minority communities. At the 1951 census, 89 % of the population considered themselves Roman Catholic, followed by the next largest groups of 6.2 % Protestants and 3.8 % non-denominational. By 2001 the share of Roman Catholics had dropped to 76.6 %, followed by 12 % without a denomination, and 4.7 % Protestants (STATISTIK AUSTRIA 2007).

The Islamic religion was first surveyed as a category at the 1971 census, when 0.3 % of the population declared themselves Muslim. The 2001 census showed an

increase to 4.2 %, when around 350,000 persons stated Islam as their religious belief. The religious denomination has been surveyed in census only until 2001. Numbers for 2009, the latest official calculations available, indicate a further growth in the Muslim community to 6.2 % of the total population (Janda and Vogl 2010).

The early 1960s marked the beginning of Muslim immigration as organized work migration began due to the rapid economic recovery. Until the 1970s Austria recruited workers from the Balkans and Turkey. At that time, guest workers were not expected to remain permanently, as officials had planned to invite workers on a rotation principle. By the time it became clear that the return of many labour migrants was unlikely because they had decided to stay and bring their families, the Muslim community had grown substantially. In 1971 nearly 23,000 Muslims lived in the country. The second major inflow of immigrants, among them considerable numbers of Muslims, was experienced in the early 1990s as a result of the war in Yugoslavia, when a total of 90,000 refugees fled to Austria (Bauböck 1996, p. 21). Finally, one of the most recent developments is Muslim immigration from the Russian Federation, most of them asylum seekers from Chechnya. While the 2001 census registered 87 Muslims from this area, estimates for 2009 assume that over 18,000 Muslims from the Russian Federation live in the territory (Janda and Vogl 2010).

The vast majority of Muslims residing in Austria are Sunni, while Shiites, Alevis, Ahmadi and other Islamic traditions make up very small percentages. More precisely, it is estimated that the Muslim population consists of around 85 % Sunnis and around 12 % Shiites, most of them belonging to the Twelver Shia (Schmied 2005; Sticker 2008b). The in 2013 officially recognized ALEVI has 17,351 registered members according to figures from the relevant Ministry of Education, Arts and Culture, but claims 80,000 members by its own count (Die Presse 23.05.2013). In addition there are other Alevi communities, some consider themselves Islamic, others don't. Various Sufi traditions are present, though no figures are available. In 2012 the Ahmadiyya had 78 members according to its own figures. (Heine et al. 2012, p. 94).

Austrian Muslims' main countries of origin are former Yugoslavia and Turkey. Regarding legal citizenship, it is estimated that by 2009 almost half of the Muslim population were Austrian citizens. Of the Muslim population, 21.2 % hold Turkish citizenship, another 19.5 % are estimated to hold a passport from one of the former Yugoslavian countries (Janda and Vogl 2010). As Austria does not grant voting rights to non-citizens, these figures imply that almost half of the Muslim population cannot express political voice at the ballots. Election research indicates that although Muslims tend to share conservative societal views, naturalized Muslims tend to vote

for left-wing parties, in particular for the *Social Democratic Party of Austria* (SPÖ), rather than for right-wing parties (ISA/SORA 2010; Schlaffer 2009, p. 8).

### 3 Religion-State Relations

Religion and state are separated institutions, implying that state officials do not interfere with religious matters and religious actors refrain from interference with the state. However, separation is not complete, as a number of religious communities are officially recognized by the state and granted certain legal and financial privileges, including a considerable amount of state subsidies. Moreover, Austria is classified as a system of shared tasks or cooperation model in terms of religion-state relations. In contrast to separation models (France, Turkey) or state-church models (UK, Denmark), approaches of cooperation are characterized by a number of privileged religious communities which are involved in various fields of public and political interaction (Minkenberg and Willems 2003). With the establishment of a constitution (*Staatsgrundgesetz*) in 1867, the Habsburg Monarchy granted *Freedom of Belief and Conscience for Everybody*. In fact, the *Staatsgrundgesetz* allowed free observance of faith in private and in public only for those religious communities, which had already been granted a certain status (with the 1781 *Patent of Tolerance* for non-Catholic Christian Churches and the 1782 *Edict of Tolerance*, which included the Jewish community; Berghahn 2001, p. 36). With the occupation of Bosnia and Herzegovina in 1887, there was particular demand for a specific regulation for the Islamic faith. In 1912 the *Islam Law* accorded Islam of the Hanafite Rite the status of a statutory body. The legal basis for cooperation between most non-Catholic religious organizations and the state is the *Law of Recognition* (*Anerkennungsgesetz*) dating from 1874. Eventually, this law granted equal treatment to all recognized religious communities and therefore the same level of rights as those enjoyed by the dominant Catholic Church (Kalb et al. 2003, p. 74).

These laws – *Law of Recognition*, *Islam Law* – remain in force today and have formed the basis of the governance of religious pluralism in the Second Republic (after 1945). Johann Bair calls the period after the Second World War a time of tolerance, when a climate dominated by the orientation towards fundamental rights allowed for various further recognitions (Bair 2002, p. 54). Since 1998 the system of recognition of religious groups has been twofold. Religious communities can still be recognized according to the *Law of Recognition* if they fulfil a set of criteria. Communities that do not meet these criteria can be endowed with a legal personality,



called *state-registered confessional communities* (‘Staatlich eingetragene Bekenntnsgemeinschaften’; Federal Chancellery 2011, p. 10). In 2013, 16 religious groups enjoy this legal status, among them two Islamic organizations. Since 1979 Muslims have been officially represented by the recognized *Islamic Religious Community in Austria*, which has the status of a *privileged corporation of public law* (‘Körperschaft öffentlichen Rechts’). The *Islamic Alevi Religious Community* (ALEVI; ‘Islamisch Alevitische Glaubensgemeinschaft in Österreich’) was granted this status in 2013.

Religion-state relations	Patent/Edict of Tolerance	Staatsgrundgesetz	Law of Recognition			Establishment of twofold recognition
Islam - state relations	1781/2	1867	1874	1912 Islam Law	1979 Establishment of IGGiÖ	1998
						2013 Legal recognition of ALEVI

Austria’s neo-corporatist political style is reflected in the governance of religions (Koenig 2005, p. 224–225). This state corporatist policy grants religious organizations corporate rights.

Corporate organizations, not individuals, are perceived as the central religious actors cooperating with the state (Rosenberger and Mourão Permoser 2009). Religious individuals benefit from these corporate rights, which are equally extensive for Christians and Muslims. The Austrian model could thus be labelled ‘pluralistically inclusive’ because religious groups with the status of corporations of public law are guaranteed equal treatment and internal autonomy (Gresch et al. 2008).

## 4 Islamische Glaubensgemeinschaft in Österreich – IGGiÖ

### 4.1 A “representative” body

Since 1979 the IGGiÖ has been the privileged interlocutor, treated as a unique point of contact between state officials and the Muslim population.

Efforts to organize community life started after the end of the Second World War, when the Muslim community slowly started to grow as refugees, especially from the Balkans, began to arrive in Austria (Strobl 1997). When labour migration from the 1960s onwards led to a significant growth of the Muslim population, religious and cultural services were mainly provided by two associations, the *Muslim Social Service* ('Muslimischer Sozialdienst'), founded in 1962, and a student's association called *Muslim Student Union* ('Muslimische Studentenunion') (Bair 2002). The *Muslim Social Service* was committed to reactivate the *Islam Law* from 1912 to gain legal recognition and the status of a statutory body. However, the first request in 1971 was rejected with reference to the community's insufficient organizational structure and the issue of polygamy. State authorities argued that the possibility of polygamy in Islam could allow followers of a legally acknowledged Islamic community to invoke freedom of religion over national law. It took eight further years to clarify these concerns. To guarantee the conformity of monogamy with Islam, the applicants requested fatwās from Egyptian Al-Azhar University and the Turkish Office for Religious Affairs, which explicitly stated polygamy as an exception in Islam which cannot be performed if national law forbids it (Strobl 1997, p. 4; Heine et al. 2012, p. 56). To counter the criticism of lacking hierarchies, the new representative organization was structured after the model of the Protestant and Jewish communities. The positions of a religious authority ('muftī') and a Community president, in charge of organizational and representational tasks, were created. In 1979 the required by-law for the acknowledgement was finally passed and the IGGiÖ was established.

Today, the IGGiÖ can be considered well established and by far the most important actor regarding political matters on Islam, even if it is sometimes internally and externally contested (Gresch et al. 2008). The IGGiÖ is involved in various public and private institutional activities, among them spiritual welfare in hospitals, prisons and the military, and educational facilities from kindergarten to university. As a recognized religious institution, the IGGiÖ has the right to establish denominational schools and receives state subsidies for various charitable activities. Furthermore, the teachings of all acknowledged religious communities are subject to special legal protection, as their vilification is illegal.

The establishment of education facilities for teachers of Islamic religion in public schools was a relatively early development. The subject, which has been taught in public schools since 1982, became a regular course of study in 1998 (Heine et al. 2012, p. 105). Study programmes for teachers of religious education are designed in the same way as Catholic, Protestant and other study programmes for religious instruction at public schools, organized at special pedagogical universities. At the present, various educational facilities provide training for religious occupations,

among them a private course of study for teachers of religious instruction and a Master Programme in Islamic Religious Pedagogy at the University of Vienna. While the training of teachers is well established, there is a lack in study programmes for Imams. It was only in 2012 when a course of Islamic theology at the University of Vienna was announced and it is supposed to be offered from 2015 onwards. While university training programmes for Imams have already been launched in neighbouring countries—Germany introduced a programme in 2011—this measure has been taken rather late in Austria.

Another adaption to the steadily growing Muslim community is spiritual welfare for the also growing number of Muslim prisoners. Unlike hospitals, prisons are highly restricted in terms of access from outside. Catholic and Protestant (and to a lesser extent Jewish) spiritual welfare has traditionally had a fixed place within prison settings. Ministers are paid by the state, they have access to all prisoners who want to contact them and a chapel or similar places of worship are provided. Islamic spiritual welfare, on the contrary, was for a long time an unsettled concern. Provided only by volunteers and without any legal regulation, the handling of religious needs was up to the prison authorities. In 2010 an agreement between the IGGiÖ and the Ministry of Justice set certain standards for Muslim ministers visiting prisoners and grants some financial compensation to the IGGiÖ (Die Presse 29.01.2012).

## 4.2 The IGGiÖ and the State: A Political Relationship

In addition to get funding and being invited to consultations in the law-making process, the IGGiÖ is viewed as a representative of Islamic faith by state authorities. From 2000 onwards the IGGiÖ expanded its activities from operating as a passive representative to acting as spokesperson of Muslims more generally. This expanded political role by the IGGiÖ is linked to events surrounding the imposition of “sanctions” against the formation of a right-wing government in Austria by EU member states in the year 2000. At the time, the EU decided to install a commission of three distinguished persons to evaluate the necessity for measures. Their task was to report on the “commitment of the Austrian Government to the common European values, in particular concerning the rights of minorities, refugees and immigrants” (Ahtisaari et al. 2000, p. 1). These experts met with government officials, representatives of political parties, of the judiciary, as well as with civil society and religious organizations in order to gather information for their report. The representatives of the IGGiÖ started a lobbying campaign, contacting repeatedly both the government and the EU representatives to ask for an appointment. Eventually this campaign was successful and the IGGiÖ was able to contribute to the report of

the three experts. Thus, the consultations between the three EU envoys provided an opportunity for the Muslim leadership to carve out a new role for itself in the political arena and to increase its visibility. Since then IGGiÖ representatives have started being invited to round table discussions on television and to consultations with the government on new migration legislation.

Symbolic cooperation between the state and the IGGiÖ has become especially important in the first decade of this century due to the mounting religiously motivated international conflicts. Often this kind of symbolic cooperation between the state and religious organizations takes place in order to prevent or at least minimize the eruption of conflicts related to religion. A particularly poignant example of this was the case of the Mohammed cartoons in Denmark in 2006, an event that spread over many other countries in Europe, creating tensions between several Muslim communities and majority societies. The Austrian government, which held the EU-presidency at that time, undertook two initiatives to mediate the conflict. It organized a religious summit with religious leaders at the chancellor's office, and it held an informal meeting with Danish representatives and Muslim leaders from Bosnia, Syria and Austria. On both occasions the government emphasized that the long-established Austrian model of dialogue and religious toleration could show a way out of the crisis (Mourão Permoser et al. 2010).

### 4.3 Internal Structure

Internally, the IGGiÖ is organized as a representative body of Muslim associations. The associations send elected delegates to the executive and legislative boards on federal and regional level. The electoral mode, as well as the internal organization of the IGGiÖ is very complex. Individuals register as IGGiÖ members via the association they are members of (see Chap. 5). For each 50 registered members, associations are entitled to one delegate. Therefore the associations play a crucial role in mobilizing their members to vote.

Elections are organised according to the subdivision of nine religious communities, one in every federal state. Delegates are directly elected on a local level for a 4-year period and elect delegates to the federal boards on their part (the legislative 'Shura Council' which then elects the executive 'Superior Council'). To avoid an ethnic prevalence, the IGGiÖ constitution states that no more than half of the members of each board can belong to the same ethnic or linguistic group (Islamische Glaubensgemeinschaft in Österreich—IGGiÖ 2009).

While the IGGiÖ is clearly accepted as the single point of contact by state officials, it had been criticized for not being sufficiently representative by certain

Muslim associations. From a legal perspective, the IGGiÖ membership has followed the *ex lege* principle, which is also applied in trade unions and business chambers. Whoever fulfilled the criteria of being Muslim and resided in Austria has been viewed as represented by the IGGiÖ (Kalb et al. 2003). Those Muslim groups who did not feel represented by the IGGiÖ were unable to rely on other institutional structures that would enable them to be heard in decision-making processes.<sup>1</sup>

The lack of representativeness has been criticized regarding the participation in elections of IGGiÖ functionaries. One condition that needs to be fulfilled to be entitled to vote is to pay membership fees. According to media reports, at the election in 2001, only 5500 members cast their vote (Wiener Zeitung 08.11.2010). At the most recent elections in 2010/2011, this picture changed significantly, although not sufficiently to silence critics. Of 125,000 registered members and 27,095 members entitled to vote, 76.5 % actually participated in the elections. In a recent study commissioned by the government, 48 % of those questioned felt represented by the IGGiÖ, 44 % did not (Ullram and Tributsch 2013, p. 30).

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## 5 Islamic Associational Life

Religious life as gatherings, prayers, festivals, religious educational courses and social activities mostly take place within a wide range of associations. These associations reflect the diversity of Islam in Austria, which is especially visible at the over 170 Islamic sites (mosques, prayer houses, associations, kindergartens and schools) in the capital of Vienna (Reiss et al. 2013). These sites are as diverse as the community itself. Apart from a variety of autonomous organisations, most of them belong to umbrella associations with a series of branches. These umbrella associations are politically influential within the IGGiÖ as they can send higher numbers of delegates to the boards than autonomous groups.

Associations are formed mainly along ethnic/national lines and/or religious traditions. Despite some denominational and ideological identifiers, the majority of Muslim associations can clearly be traced to a certain ethnic, national or regional background. Within the past ten years, some multi-ethnic/multi-national associations were formed, but they are still exceptions. National languages are

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<sup>1</sup> The recognition of the *Islamic Alevi Religious community in Austria* showed that the application for legal recognition can be a successful way for Islamic groups that do not feel represented by the IGGiÖ. An adaption of the legal setting regarding the *ex lege* principle is pending.

often the primary language of internal communication, the intensity of external communications (websites, folders, etc.) varies greatly. While the IGGiÖ endeavours to represent an Austrian Islam without national, ethnic or “denominational” labels, there are no attempts to change the associational structure. The highly fragmented associational landscape developed over time and partly as a legal necessity to create an association in order to be allowed to run meeting or prayer rooms. Below we briefly describe the key associations—in terms of numbers and/or influence—by their national/ethnic background. Relevant information to present the associations is taken from Vienna based research project “Islam-Landkarte” ([www.islam-landkarte.at](http://www.islam-landkarte.at), Aslan 2012).

## 5.1 “Turkish” Associations

Three associations of Turkish background dominate the organizational landscape: The *Turkish Islamic Union for Cultural and Social Collaboration in Austria*, the *Islamic Federation*, and the *Union of Islamic Cultural Centres*. Contrary to most other groups, these Turkish associations are organized rather hierarchically and were able to establish branches across the whole country. Since the elections in 2010/2011 the majority of delegates to the IGGiÖ are sent by Turkish associations.

The *Turkish Islamic Union for Cultural and Social Collaboration in Austria* (ATIB,<sup>2</sup> ‘Türkisch-Islamische Union für kulturelle und soziale Zusammenarbeit in Österreich’) is an official organization of the Turkish governmental office for religious affairs, *Diyanet*. Founded in 1990, in terms of membership the association is today the strongest Muslim association in Austria. Originally the association was supposed to provide religious services to prevent Turkish citizens abroad from joining Islamic associations that did not agree with Turkish state policies on religion. It is highly influenced by Turkey, not least through the fact that the association’s presidency is held by the religious attaché of the Turkish embassy (Heine et al. 2012, p. 68). This explains why ATIB for a long time refused to cooperate with other Islamic associations in Austria. This changed under the religious conservative AKP government and has led to various collaborations, including involvement in the IGGiÖ. ATIB has 65 branches, mostly concentrated in Vienna and the western federal states, especially Vorarlberg. In addition to religious services, ATIB organizes folklore events and other activities around Turkish traditions. At the 2011 IGGiÖ election this Turkish association was the most successful group.

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<sup>2</sup> Turkish: *Avusturya Türk İslam Kültür ve Sosyal Yardımlaşma Birliği*.

One of the largest and also most influential Muslim groups is the *Islamic Federation* (IF, 'Islamische Föderation'). The IF is the Austrian section of the Turkish religio-political movement *Milli Görüş* ('National Vision'), seen as a relevant Turkish diaspora organization in Europe (Akpınar 2007, p. 134). The Austrian branch was founded in 1987 and is strongly oriented towards Muslims of Turkish origin and their descendents (Heine et al. 2012, p. 73). The umbrella association unites mosques, prayer houses and clubs in Vienna, Lower Austria, Upper Austria and Salzburg. According to IF, the association runs 36 clubs and 72 related installations. The in 2011 elected IGGiÖ president Fuat Sanac is associated with this group.

The *Union of Islamic Cultural Centres* (UICC, 'Union Islamischer Kulturzentren'/'Vereinigung Islamischer Kulturzentren'<sup>3</sup>) is characterized by its Sufi origin and provides religious services in 43 branches all over Austria. The association claims to be orientated towards the Sufi traditions of the Turkish *Süleymanci* order and the *Naqschibandiyya* tradition from Central Asia. Ednan Aslan argues that, although the UICC is viewed as non-political in Austria, the association is involved in Turkish politics through close connections with Turkish political elites.

## 5.2 Associations for Muslims from the Balkans

Muslims from former Yugoslavia and the Balkans are organized rather loosely within various autonomous associations and two umbrella organizations, the *Union of Bosniak Islamic Associations in Austria* (UBIAA, 'Verband der bosniakischen islamischen Vereine in Österreich') and *Union of Albanian Muslims in Austria* (UAMA, 'Dachverband der albanischen Muslime in Österreich'). Contrary to the aforementioned Turkish groups, these associations play a minor role within the IGGiÖ.

Forty mosque communities are united in the UBIAA. A Bosnian umbrella association was originally founded in 1994 but split up and was reunited and renamed in 2012. The association is not only a member of the IGGiÖ, but also of the *Bosnian Islamic Community* ('Islamska zajednica u Bosni i Hercegovini'), which is the central Muslim organization in Bosnia and Herzegovina (Smajić 2012, p. 100). Bosnian religious leaders can therefore influence the mosque communities' activities in Austria, as important decisions, like the hiring of an imam, require official permission.

The UAMA unites twelve local mosque communities. Albanian here does not refer to a nationality but to a shared language. Most members originate from Kosovo or Macedonia but speak Albanian. Beside the provision of religious services for the

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<sup>3</sup> VIKZ; this name is used in the western part of Austria.

Albanian Muslim community in Austria, the association names the upholding of Albanian tradition and national matters as one of their primary goals.

### 5.3 Arab Associations

The number of Muslims originating from Arab-speaking countries is in fact quite small. The largest group among them has an Egyptian background (in total 5269 Egyptian citizens currently live in Austria; STATISTIK AUSTRIA 2013). There is no umbrella association of Arab Muslims but a series of single, mostly nationally bound organizations. Despite their small number, the Arab Muslims (if they are considered as a group) ranked second in the IGGiÖ elections, while the much more numerous Balkan community ranked only third among those elected into office. Arab Islam is also influential because money inflows from Saudi-Arabia and other gulf states have allowed the realization of infrastructure projects, among them building the first mosque in Vienna (Die Presse 20.11.2009). Another project initiated by Saudi-Arabian sponsors in 2012 was the establishment of the Vienna-based *King Abdullah Bin Abdulaziz International Centre for Interreligious and Intercultural Dialogue*, which has been founded in collaboration with Austria, Spain and the Holy See (KAICIID 2012).

### 5.4 Shiite Associations

Shiites make up only around 12 % of Austrian Muslim population. Main countries of origin are Iran and Afghanistan, with some smaller groups originating from Turkey, Iraq and other Arab countries (Heine et al. 2012, p. 77). The majority of Shiite organizations are represented by the *Islamic Association Ahl-ul-Bayt* ('Islamische Vereinigung Ahl-ul-Bayt'). Six associations, five of them located in Vienna, form this group with an estimated 5,000 members.

### 5.5 Multi-National Associations

Two multi-national associations are of particular political and societal relevance: the *Initiative of Muslim Austrians* (IMA) and the *Muslim Youth of Austria* (MYA).

The IMA is hardly relevant in terms of numbers but taken into account due to its rather outstanding position as a multi-ethnic association that explicitly declared



the promotion of an Austrian Islamic identity as its goal (Sticker 2008b, p. 12). The leadership consists of six to ten people of different backgrounds, among them prominent members, such as the social-democratic politician Omar al-Rawi and the former press spokeswoman of the IGGiÖ, Carla Amina Baghajati. This might help to understand the high level of media coverage of this small organization, which aims to promote social cohesion and fight discrimination and racism.

Nowadays the MYA is an autonomous youth organization, which had been founded in 1994 by a group of young Muslim second generation immigrants. For some years, the MYA claimed the status of the official IGGiÖ youth organization. This changed with the creation of an IGGiÖ youth council in 2012 (Mattes 2012). The multi-national group aims to promote an Austrian Islamic lifestyle among Muslim adolescents. The language of internal and external communication is German and the activities are gender-mixed, which—even for a youth group—is rather exceptional. The MYA and its representatives enjoy a lot of media coverage, not least because of the groups' extensive charity activities.

Umbrella Associations (religious/ethnic/language)		Size/branches	Relation to IGGiÖ <sup>a</sup>	Religious/Cultural life
<b>Turkish</b>	Islamic Union for Cultural and Social Collaboration in Austria (ATIB)	65 branches	strongest group; represented in Shura and Superior Council; i. a. IGGiÖ Vice President	religious services; pilgrimages, religious education and funeral services; folklore activities, youth work, Turkish and German language classes
	Islamic Federation (IF)	36 clubs and 72 related installations	represented in Shura and Superior Council; i. a. IGGiÖ President	religious services; social and educational services (child care, youth groups, student groups)
	Union of Islamic Cultural Centres (UICC)	43 branches	represented in Shura and Superior Council; i. a. IGGiÖ General Secretary	close to Sufi traditions; religious services pilgrimages; educational programs, boarding schools, child care facilities
<b>Balkans</b>	Union of Bosniak Islamic Associations in Austria (UBIAA)	40 mosque communities	represented in Shura and Superior Council	religious services; concerts, commemorations, folklore festivals
	Union of Albanian Muslims in Austria (UAMA) (based on common language)	12 mosque communities	represented in Shura and Superior Council	religious services; pilgrimages; conferences and exchange programs with Macedonian Muslim communities
<b>Shiite</b>	Islamic Association Ahl-ul-Bayt (multi-national)	6 mosque communities	represented in Shura Council and religious advisory board;	religious services; festivals and lectures on religious issues
<b>Multi-national</b>	Initiative of Muslim Austrians (IMA)	single association	represented in Shura and Superior Council; Rapporteur for Women;	no religious services; cultural events; high media presence
	Muslim Youth of Austria (MYA)	no figures available	represented in Shura and Superior Council; Rapporteur for Integration;	religious festivals; educational training; charitable activities; mixed gender activities

<sup>a</sup> Following the 2011 IGGiÖ internal elections

To sum up, Muslim associations play an important role in shaping religious life, providing religious services and cultural activities. Hence, the IGGiÖ is not only a representation of Austrian Muslims but also provides a common structure for exchange and collaboration among the diverse associations. Muslim associations also have a role as partners within the political system. They fulfil a bridging function

between religion and politics as they have close ties with political parties and state authorities (Kroissenbrunner 2003; Sohler 2004).

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## 6 Contesting Religious Rights of Muslims

With regard to conflicts about Islam in Austria, it is important to note that legal conflicts and political contestation at governmental level are rare. However, anti-immigrant sentiments are widespread among the population and anti-Islamic attitudes have been additionally raised by the FPÖ, which has been running on slogans such as “Home not Islam – Daham statt Islam” with considerable electoral success. Hence, politicization of Islam is—although similar to other European countries with strong populist parties—very high (Rosenberger and Hadj-Abdou 2012). Studies based on the European Value Study indicate that a rather high proportion of Austrian respondents express resentment against living next to Muslims, migrants and people of a different skin colour (Rosenberger and Seeber 2011, p. 182). Muslims—especially females who wear the headscarf—experience discrimination in everyday life and in the workplace (Forstenlechner and Al-Waqfi 2010, p. 773; ZARA Zivilcourage und Anti-Rassismus Arbeit 2013). In the following section we discuss some contentious issues.

### 6.1 Wearing the Headscarf

To ban any form of Muslim veiling in public has never been seriously debated at governmental level. While Austrian right-wing parties, especially the FPÖ, repeatedly called for forbidding the wearing of headscarves in public, the two major political parties, the Christian-Conservative *Austrian People's Party* and the *Social-Democratic Party of Austria* insisted that this issue is not a matter of negotiation due to the legal tradition of the state-religion relationship. Mainstream political actors as well as religious representatives, for instance former IGGiÖ president Anas Schakfeh, emphasize and praise the model of inclusive governance of religious diversity in this context (Schakfeh 2005).

In some cases the right to wear a headscarf in the workplace was questioned. Disputed cases are known for the public health system and the Viennese public transport association. The *Viennese Association of Hospitals* (*Verbund der Wiener Krankenanstalten*) issued an internal binding decree in 2006 advocating a non-prohibition policy (Gresch et al. 2008). The IGGiÖ has issued various statements

on the headscarf issue, clearly stating that the right to wear a headscarf in public is seen as non-negotiable for the Muslim community.

By large, the issue of veiling seems to be non-negotiable on both sides: neither the IGGiÖ nor mainstream political parties are willing to allow any legal restrictions on wearing the headscarf.

## 6.2 Circumcision

In June 2012 the decision of a court in Cologne on circumcision initiated a debate, which also spread to Austria. The court had decided that male circumcision of children harms their right to physical integrity. This non-binding court decision opened an intensive debate on the legal situation in Germany. In Austria, this debate was opened as well and especially encouraged by atheist organizations, with political actors joining in later. While individuals of the FPÖ and their separate wing, the *Carinthian Freedom Party* called for a ban on circumcision, the governmental actors sought de-escalation (Der Standard 25.07.2012). In due course, a religious coalition formed. The religious communities concerned—Austrian Jews and Muslims—were supported by leading clergy from the Catholic and Protestant churches.

During the most intense phase of the debate, a law on cosmetic surgery was passed in parliament. The supplement to the bill stated that male circumcision is not classified as cosmetic surgery, but as a bodily harm according to criminal code. However, as a religious rite of recognized religious communities it does not offend common decency and is therefore not illicit (Österreichische Bundesregierung 2012, p. 11). Although this supplement does not have a legally binding status, it can be argued that the government sent a signal in favour of this religious rite. The Federal Ministry of Justice moreover referred to this law when giving legal opinion on the issue, which had been demanded by the governor of Vorarlberg.

## 6.3 Building Mosques and Prayer Places

First attempts to build a mosque in Vienna go back to the beginning of the twentieth century, when Emperor Franz Joseph I supported construction plans for a Viennese mosque and provided financial resources for it. The outbreak of the First World War prevented the realization of this project and it took a further 70 years until the first mosque was built in Vienna (Klieber 2010). In the past years Austria has experienced some conflicts over the construction of Islamic buildings.

The construction of a mosque in Bad Vöslau is often cited as a best-practice model—although ATIB, the Islamic association involved had to accept a series of conditions<sup>4</sup>, later presented as compromises. Within a 2-year mediation process the parties to this project agreed on extensive changes in the architect's plan, especially concerning the size of the planned minarets. Still, this case can be seen as a successfully mediated process, as there was a broad frame for discussion which allowed keeping the debate at the local level and most of the conflict had calmed down by the time of the opening in 2009 (Fürlinger 2010; Heine et al. 2012).

The conflict around the extension of an Islamic cultural centre in the 20th Viennese district, again initiated by the Turkish association ATIB, developed in a completely different manner. Here, a citizen's initiative formed to prevent the building, citing fears of noise pollution and a shortage of parking space—arguments, which are well known from similar conflicts in other European states (Maussen 2009). This local conflict became more intense when conservative and right-wing politicians started to support the citizens' initiative and other, anti-Islamic, groups joined the protest (Kübel et al. 2008). The dispute caught nationwide attention when the chairman of the *Austrian Freedom Party* (FPÖ) took part in a protest march in May 2009, holding up a crucifix during his speech. This was harshly criticized by Christian church representatives. When construction work began in spring 2013 the parties to the conflict had not come to an understanding.

In 2008, the federal state parliaments of Carinthia and Vorarlberg passed amendments of the building regulations which de-facto impede the construction of mosques. These regulations do not refer to Islamic sites in particular but oblige the approval of a special committee for “unusual” buildings. However, the intention to prohibit especially mosques and minarets was openly expressed by politicians in charge. Ernst Fürlinger calls this a “local practice of non-recognition” (Fürlinger 2010, p. 184).

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## 7 New Challenges

The following section deals with new challenges for Austrian Muslims, taking into account the IGGiÖ as well as the broader picture of Muslim life.

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<sup>4</sup> In a contract, the city council and ATIB not only agreed on distinctive architectural changes and a ban on calls to prayer, but also stipulated that the city council has the right to nominate three persons with voting rights in the elections of the association's board (Fürlinger 2010, p. 205).

## 7.1 Democracy and Islamism

In 2009 the doctoral thesis of Mouhanad Khorchide, a sociologist, teacher and Imam, who had been engaged in various IGGiÖ activities, especially in the field of education, attracted huge attention. Some results of this survey of attitudes of teachers of Islamic religious education clearly stated that significant proportions of teachers displayed attitudes which must be considered problematic. 21.9 % of the interviewees indicated an incompatibility of democracy with Islam. 27.1 % of the interviewed teachers rejected the *Universal Declaration of Human Rights* because of incompatibility with Islam, 18.2 % of them accept the death penalty as a punishment for apostasy (Khorchide 2009, p. 93 ff.). As a consequence, the Federal Minister of Education, Arts and Culture, and the former IGGiÖ president negotiated a package of measures, including new contracts for all teachers of Islamic religious education, a revision of the curriculum and teaching materials, and new inspection arrangements (Schmied 2009).

Concerning religious extremism among Muslims, only few individual cases are known. Mohamed M. and his wife Mona S. were convicted of participation in the activities of a terrorist group in 2008. They had distributed extremist videos via an al-Qa'ida-linked internet platform (Heine et al. 2012, p. 99). While the woman distanced herself from radical views after her imprisonment, Mohamed M. published threats against Austria and was again imprisoned in Turkey, where he tried to pass the boarder to Syria (Kocina and Ultsch 2012). Mohamed M. was given a nickname by the media, where he is frequently referred to as “the Austro-Islamist”.

The *Federal Office for the Protection of the Constitution* reports a number of detentions mainly in the context of suspicious travel activities. Although radical attitudes among some Muslim groups were observed, no violent behaviour or plans for terrorist attacks were discovered. The observed activities of radical groups were mostly limited to recruitment and mobilization. The report also states clearly that radicalization concerns mainly young men (Bundesamt für Verfassungsschutz und Terrorismusbekämpfung 2013).

## 7.2 Searching for a New Political Role

Since the terrorist attacks of 9/11, the IGGiÖ seems to be expected to prove its distance and disapproval to any violent behaviour by Muslims around the globe. Be it New York, Spain, India, Egypt, Bali or the Netherlands—wherever violence had been committed in the name of Islam, the IGGiÖ distanced itself and the Austrian

Muslim community from these activities. However, the new leadership after the 2011 internal elections, has been searching for a modified political understanding. This is particularly visible in three areas: first, the ending of outwardly oriented dissociation of foreign conflicts; second, a strong focus on securing and promoting the rights of Muslims in Austria; and third, coalition building processes with other religious actors.

The IGGiÖ-president Fuat Sanac elected in 2011 stated at the beginning of his term that the organization will no longer comment on everyday politics, especially foreign political issues ([religion.orf.at](http://religion.orf.at) 20.06.2011). Political issues within Austria, however, were and still are commented on. One example is the condemnation of deportations of refugees. Pakistani members of a refugee protest movement that formed in November 2012 and demanded better conditions for asylum seekers and a liberalization of the asylum procedure were deported during Ramadan 2013. Sanac harshly criticized the authorities' course of action in terms of the timing of deportation, the harshness of the procedure and the unwillingness to grant the right of residence on humanitarian grounds (Sanac 2013). With this statement he joined the Catholic Cardinal, Christoph Schönborn, who also condemned the deportations.

Close cooperation of religious representatives, as in this case, can frequently be observed in Austria. When male circumcision was discussed, Catholic and Protestant representatives clearly stated the importance of this ritual for Jews and Muslims and condemned any attempts to ban it. The IGGiÖ could also rely on the support of Christian churches whenever the public visibility of Islam was discussed and anti-Islamic arguments were used in politics.

When in 2013 a popular initiative was launched against the privileged position of religious communities with the aim of changing legal regulations on religion and abolishing any privileges, this coalition of religions put up a joint public appearance: The 'Pro Religion' platform ([www.proreligion.at](http://www.proreligion.at)) was founded in May 2012 by the legally recognized religious communities and is mainly focused on warding off criticism and promoting the positive work of religious communities.

### 7.3 The Next Generation(s)

"Young, dynamic, educated"<sup>5</sup>; "being Muslim and Austrian—there is no contradiction"<sup>6</sup>; "Austrian-Islamic identity means civic, political, economic and cultural

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<sup>5</sup> Taşdöğen 2012.

<sup>6</sup> Muslimische Jugend Österreich 2013.

participation”<sup>7</sup>; these are only some of the self-confident keywords Muslim youth groups are using to present themselves in public. While studies show that religious identification among the second and third generations of Muslims in Austria is declining<sup>8</sup>, there is also a trend towards a very conscious commitment to an Islamic lifestyle. Groups like the multi-ethnic *Muslim Youth of Austria* and the official IGGiÖ youth board (‘Jugendrat der Islamischen Glaubensgemeinschaft in Österreich’) are extensively promoting a new image of Islam in Austria, focusing on the compatibility of national and religious elements.

Civic engagement of young Muslims is fostered through charity programmes, educational measures are provided on personal skills as well as on religious teachings, together with help on their implementation in the everyday life of young Muslims in Austria and these groups also seem to be in favour of media attention. The lines between internal and external communication are often blurred through the extensive use of social media. At the same time, this suggests a high degree of openness towards the majority society. Developments within the Austrian Muslim population are especially visible in the youth organizations. While there is a declining religiosity among young Muslims, many of those who decide to live a religious lifestyle seem to do so very consciously (Ullram and Tributsch 2013).

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## 8 Conclusion

Islam in Austria is due to its long established legal status which grants equal rights to all legally acknowledged religions in a rather exceptional position compared to other European Muslim communities. Despite a highly politicized debate, strong resentments among the majority population and strong right-wing parties, this legal status was not affected.

To conclude, we want to reflect on four points, which might explain the continuity of inclusive policies on religion and Islam in particular: the long-established legal acknowledgement of Islam; the corporatist character of politics; the alliance of religious communities; and a liberal consensus of mainstream political actors against pressure from the right wing populist parties on religion policies.

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<sup>7</sup> *ibid.*

<sup>8</sup> First generation: 73 % of male and 87 % of female Muslims consider themselves religious; second generation: 57 % of male and 62 % of female Muslim consider themselves religious; Overall, 38 % of the Austrian population consider themselves religious (religion.orf.at, 23.04.2013; Ullram and Tributsch 2013).

First, the legal recognition of Islam sets the standards for the incorporation of Muslims in Austrian society and politics. Many issues, that are disputed in most European countries, are legally regulated and controversy is limited to either details of implementation or external criticism with little policy impact. The situation that the IGGiÖ was established in 1979, long before Islam became a politicized issue, can partly explain this comprehensive accommodation. Still, the early recognition does not account for the fact that religious rights of Muslims were not restricted or withdrawn when right wing parties adopted Islam as one of their core mobilizing themes. Even during the FPÖ government participation religious rights were not contested. Three further contextual factors might help to understand.

Second, it is important to note that Islam also benefits from a religion-friendly atmosphere and a tradition of inclusive church-state relations. Rather than viewing Austria as a stronghold of religious tolerance towards Islam, the inclusive policies on religions have to be seen in the light of the past and the political culture, as, for example, the corporatist tradition is reflected in church-state relations. Although the Roman Catholic Church is of special importance in the public sphere and Christian churches still enjoy greater privileges than non-Christian communities in terms of public presence (e.g., crucifixes in class rooms), the concept of “pluralist inclusion” basically grants the same extensive rights to all religious communities that have achieved legal recognition.

Third, the existence of an alliance of religious communities, among them the influential Roman Catholic Church definitely helps to avoid any political attempt to restrict the rights and privileges of the IGGiÖ. In this chapter we mentioned various examples where religious communities acted as a block against any form of debate on the restriction of religious rights or supported Muslim interests.

Fourth, a liberal consensus of mainstream political actors against pressure from the right wing populist parties on religion policies can be observed. Whenever the *Austrian Freedom Party* or other right-wing actors claimed to restrict religious rights, mainstream political actors did not support this. However, this observation only concerns the policy field of religion. The perception of Islam as a religion more strongly linked to migration than others blurred the lines between Islam as a religious community and Islam as subject of migration/integration policy. When it comes to migration issues no such consensus against right-wing politicization can be identified.

Together these contextual factors seem to have more influence on the level of political decision making than Austria’s relatively strong right-wing party and the negative public attitudes towards Islam.

At the same time, these factors do not prevent discrimination, harassment and conflict. While privileges, such as religious instruction in public schools, Islamic



cemeteries and Muslim spiritual welfare in public institutions, ease Muslim life, the main challenge for the inclusion of Islam lies in the lack of tolerance among the population. However, the legal incorporation of Islam guarantees religious freedom and institutional inclusion to an extent most other European Muslim communities could only wish for. Therefore the Austrian model of incorporation can be seen as exemplary even if we must not forget that many issues over Islamic presence in Europe do not primarily relate to religion but to issues of migration and tolerance and can therefore not be managed through religion policies. To close this gap between the legal and institutional inclusion of Islam and the social, economic and political marginalization of Muslims with an immigration background constitutes a major challenge in the Austrian context.

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# Islam in Belgium: From Formal Recognition to Public Contestation

Corinne Torrekens

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## 1 Introduction

In this chapter, I will provide a general overview of the current situation concerning the accommodation of Islam in Belgium.<sup>1</sup> As Belgium's national statistics do not include any information on the religious affiliations of the population, it remains extremely difficult to arrive at an accurate figure for the number of Muslims living in Belgium today. Consequently, the best we can do is to use orders of magnitude and estimates based on an extrapolation of the number of people who have migrated to Belgium and their descendants. These estimates have at least two major disadvantages. First, they assume that all immigrants from countries where Islam is the dominant religion are Muslims, as are their descendants, whereas in fact some of them may belong to other religions (certain Muslim countries have or had large Jewish and/or Christian minorities, for example) or be nonreligious. Secondly, the

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<sup>1</sup> This paper is based on different types of data gathered over the past ten years. Two periods of fieldwork were carried out, the first between 2004 and 2007 in the context of my PhD dissertation, and the second in 2011 in the framework of the Eurislam project led for Belgium by Prof. Dirk Jacobs (<http://www.eurislam.eu/page=site.home>). During these two periods of fieldwork more than seventy interviews were conducted with several Muslim representatives of different ethnic background, NGOs and political representatives. The second period of fieldwork provided me with an opportunity to interview both the same and different individuals than in 2004–2007 and to verify and further the conclusions of my PhD dissertation. Secondary data such as press releases, web resources, informal exchanges with Muslim representatives and parliamentary debates are also used in order to frame the general context of the paper.

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figures give a global understanding of Muslim realities without reflecting on the diversity of the Muslim populations in Brussels and the many facets of the affiliations and modes of Muslim belonging. In this context, the most recent estimates put the figure for persons of Muslim confession in Belgium at between 350,000 and 400,000, corresponding more or less to 4–5 % of the national population, including between 6,000 and 30,000 converts of Belgian or other European origin (Aksöyek 2000).

Although Muslims were present in Belgium during the 1920s and the Second World War, the really massive implantation of Islam in Belgium is the result of a relatively recent historical process: the large-scale recruitment of foreign labour carried out by the Belgian authorities in the 1960s as part of its migration policy at that time. As the decades have gone by, the Muslim population has grown significantly due to several factors: the natural birth cycle, family reunification as stipulated in the agreements and encouraged by the Belgian authorities to promote integration; the marriage of Belgian Muslims (men and women) with partners from their countries of origin; and the acceptance of political refugees, conversions to Islam and illegal immigration, etc. Belgium has no link with any Muslim country. Lacking labour, it did not look to her former colony, Congo, then engaged in a process of independence. Consequently, in 1964 two major immigration agreements were signed with Morocco and Turkey. Belgian Muslims therefore mostly have a Moroccan or Turkish background. Other ethnic identities among the Belgian Muslim population include Albanians, Pakistanis, Egyptians and other North African nationalities or origins (Tunisia, Algeria, etc.). Moreover, the more recent immigration of Black African Muslims has contributed to diversifying and complicating the Muslim landscape in Belgium.

Regarding the accommodation of Islam, one important factor is that Belgium is in any case a clear example of what Kymlicka has called a ‘multination state’ (Kymlicka 1995; Jacobs 2001), that is, a federal state divided into two main cultural communities (Dutch- and French-speaking) and three territorial entities, the so-called regions (Flanders, Wallonia and the region of Brussels-Capital). Consequently, the constitutive nation of the Belgian state is seen as the sum of national (autochthonous) subgroups, each with their own cultural identities (Jacobs 2001, p. 107). These political sub-national entities have their own specific political prerogatives. Regarding immigration issues, the French- and Flemish-speaking communities have implemented different integration policies. This has sometimes led Belgium, the country of birth of the painter René Magritte, into surrealist positions. For example, elected individuals with a Muslim background are quite well represented in the Belgian political system, especially in Brussels. This is reflected in the fact that Belgium was the first European country to have a veiled Muslim

woman elected to one of its regional assemblies. On the other hand, it is also one of the first and so far few European countries to have banned the full veil from being worn in public.

In the rest of this chapter, I shall first describe the process of the institutionalization of the Muslim faith, its introduction into the Belgian system of church and state relations and the issues still at stake. Secondly, I shall introduce the reader to the many debates that have emerged in the public sphere regarding the settlement of Islam in Belgium and their possible solutions and agreements (or their absence).

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## 2 Formal Recognition and Institutionalization

Belgium is a country with a Catholic background and a long tradition of conflict between secularists and defenders of the Catholic faith. Legally and technically speaking, Belgium is a separatist country in which the separation of church and state is applied in line with the principle of the state's lack of competence in religious matters and the independence of religious faiths (Ferrari et al. 2003). However, Belgium has made agreements with other religious faiths (Judaism, Orthodoxy, Protestantism and Atheists,<sup>2</sup> and more recently with Buddhism) alongside the concordats with the Catholic church, granting them autonomy of organisation, collaboration with the state and recognition in the public sphere. For example, religious schools and religious classes organized in public schools during school hours are financially supported by the state. Moreover, the salaries of the teachers of the different recognized faiths and of the religious staff are also paid by the public authorities.

In addition, in 1974 Belgium became one of the first European countries to engage in official recognition of Islam and to give the Muslim faith the same legal status as other recognized religions. What can be considered diplomatic ambitions in the aims of the Belgian authorities is the fact that the official management of Islam was given to the 'Islamic and Cultural Center of Belgium', directed by Saudi Arabia in 1958. The Center had important prerogatives, like the ability to nominate Islamic teachers, and was considered by the state to be the 'official' representative

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<sup>2</sup> This is a very complex and difficult to explain element of the Belgian model of state and church relations. In 1993, the secularist world wished to be recognized by the state as a "non convictional faith" in order to be granted with the same financial and organizational opportunities than the classical religious groups. This led to huge conflicts inside the "laïc milieu".

of Islam in Belgium. In 1974 the economic crisis largely created by the rise of the price of oil was at its height. In fact, in the 1970s no real consideration was given to issues surrounding the accommodation of Islam. The idea was still that the immigrant workers would only be staying in the country temporarily. The intention was thus to ensure that Muslim guest workers did not lose their cultural roots. In other words, Belgium's official recognition of Islam was not prompted by any idea of accommodating Islam but by Belgium's diplomatic interests. However, the Islamic and Cultural Center had not grown out of the Muslim communities living in Belgium, and opposition to its legitimacy rapidly appeared among Muslim associations set up in Belgium (some of them linked to the Moroccan and Turkish states), which rejected its role as representative, considering that it was directed by a country, Saudi Arabia, which had nothing to do with the majority of Moroccan and Turkish Muslims present in Belgium.

The next step in the process of the institutionalisation of Islam in Belgium was taken in the very specific context of the 1980s. If questions about Islam and the religious practices of Muslim immigrants were not very present in the media or in the political discourse of the 1970s, this changed in the very beginning of the eighties due to changes not only in Belgium, but in Europe as a whole, as well as the Muslim world itself (Dassetto 1997). Muslim immigrants began to develop a Muslim identity more or less in the 1980s. Before, this was certainly present in certain respects like food habits, for example, but not visible outside Muslim neighbourhoods. To activate this Muslim identity became a necessity with both the changes in the socio-economic situation of the immigrants and the way the situation evolved nationally. Indeed, in the 1970s Muslim immigrants become more and more conscious of the financial impossibility of returning to their countries of origin. They had come to Europe to earn money but were confronted with the economic crisis of the 1970s, which especially affected the sectors in which they were employed. Moreover, with the end of official immigration in 1974, they were also aware that, if they returned to their countries of origin, there would be almost no possibility of their returning to Belgium. Finally, the family reunifications foreseen in migration conventions and encouraged by the Belgian authorities to encourage 'integration' since 1964 gave Muslim immigrants the idea of their definitive settlement in Belgium. This change in the process of migration occurred in a period characterised by the impacts of the Iranian revolution of 1979 and the revelation of Islamic activism by the media. Some events, like the 1986 demonstration against the American bombing of Libya, at which portraits of Khomeini were seen, and the 1989 assassination of the imam-director of the Islamic and Cultural Center, reinforced awareness of the presence of political Islamic activists among Muslim immigrants in Belgium (Manço and Kanmaz 2004). This had consequences for the political discourse produced in



Belgium regarding the new immigrants, now mainly seen as “Muslims”. Islam is now considered part of immigration, maybe the most important part, because it is seen as the main element causing the social, cultural and economic problems of immigrants, the root of the delinquency that does not allow ‘integration’. Because of these difficulties, a new official body in charge of immigration policy was created at the end of the 1980s, which proposed for the first time the setting up of a ‘Council of the Belgian Muslims’ through elections and co-option.

At the end of the 1980s there was no political consensus among the Belgian political authorities, some of whom were afraid of an election process which could facilitate the work of Islamist organizations. The authorities therefore tended to support a modernized elite in creating a council at the beginning of the nineties made up of people with a certain educational and cultural background (Panafit 1997). In doing so, the Belgian authorities attempted to produce a ‘monitored’ or ‘nominated’ leadership and began the process of selecting the future representatives of the Muslim religion in Belgium. This council was intended to replace the Islamic and Cultural Center, but in 1992 the Ministry of Justice (in charge of its administration) ended this first experience because of internal tensions among the members of the council. Another council was created through elections by the official body in charge of immigration policy and by the Islamic and Cultural Center. Although it was never recognized by the state as the official intermediary for the Muslim religion, this body was at the root of the negotiations that made possible an electoral process to elect a ‘Muslim Executive of Belgium’ (Manço and Kanmaz 2004).

A long period of negotiations led to official recognition in 1996 of the ‘Temporary Muslim Executive of Belgium’. This contributed to the re-establishment of a climate of trust between the state and Muslim representatives. In 1998, the state gave the Temporary Executive the right to organise elections in order to create a ‘definitive’ Executive. Candidates in the elections had to be supported by a mosque or have a list of fifty signatures from Muslim supporters (Manço and Kanmaz 2004). In order to ensure that the Executive would be truly representative of the Muslim population, elected and co-opted candidates had to correspond to criteria or categories such as Moroccan, Turkish, convert, ‘other’, etc. Fifty-one representatives would be directly elected and 17 would co-opted by the members of the Temporary Executive and the 51 elected representatives. These 68 individuals constituted the Assembly in charge of designating the 16 people on the Executive. However, the authorities proceeded to ‘screen’ candidates and conducted security investigations. This was not accepted by all Muslims, many of whom felt that the process of the institutionalisation of Islam was being forced to respond to more criteria (such as the question of security) than the other recognized religions and that this constituted discrimination. In this period, everything seemed to indicate that Islam was being

required to give formal proofs of its non-radicalism. More globally, the process of institutionalisation faced two kinds of problem. First, accusations were made by politicians and also by some media regarding the involvement of radical Islamic activists and organizations in the elections. This did not facilitate a climate of trust between the state and the Executive and delayed some important decisions about the process of institutionalisation. Secondly, the Executive had to face important internal dissensions between individuals and ethnic groups, as well as between different ideological and religious approaches to Islam. In 2002, the Executive collectively resigned and the Assembly replaced it with a new Executive, certain members of which had been rejected by the security investigations of 1998. As a result the state refused to recognize the new Executive and proposed new elections. Indeed, in 2004 the Ministry of Justice, considering the demand of some Islamic associations, decided to hold elections to replace all the members of the Assembly rather than just the third coming up for election, as had been the case previously. A third element was thus introduced to disturb the process: the action of the state. Indeed, a certain number of both Muslim and non-Muslim associations and individuals oppose the intervention of the state in the process, accusing the government of undermining the separation between politics and religion. What the political authorities seem to fail to grasp in this question of internal dissensions and in the action of the government to prevent them is that the process of institutionalisation is a struggle for leadership which can produce resources, financial but also symbolic. By choosing only some representatives, the political authorities are tending to engage them in a process of "notabilisation" by granting them some resources (privileged access to some contacts, state subsidies, moral authority, etc.). This access to resources must be apprehended to understand why so many conflicts among potential Muslim representatives arise, especially in a context of socio-economic difficulties.

The elections occurred in March 2005. Due to dissension among Moroccan associations, some of which called for a boycott of the elections, Turkish Muslims won more or less 40 seats out of the 68, despite representing only one third of the Muslim population. This led to new and intense discussions about the representativeness of the institution. Indeed, the process of the institutionalisation of Islam in Belgium shows us a third difficulty. Officially, the Muslim Executive is purely an administration in charge of allocating resources, etc. However, this body is highly visible in the media in its reactions to events, whether international, as with terrorist attacks, or national, as with the question of the veil, for example. In such situations, the Muslim Executive is taken to represent the official position of Belgian Muslims and thus considerably oversteps its function of pure administration to become more or less the spokesperson of Belgian Muslims. This shows us that, in the current context, it is very difficult to establish a clear limit between administration and representation. More generally, the claim that there is no central Muslim religious authority is

a common argument used by different public authorities in Europe to explain the difficulties encountered in the processes of institutionalisation. This reveals the limited capacity of European societies to understand a religion that has not developed along the lines of the clerical model of an organized hierarchy such as the Christian Church. And this call to centralization is occurring at a time when certain social scientists are identifying a process of the general de-institutionalisation of religious systems in Europe (see e.g., Galembert 1998; Hervieu-Leger 1999). Since 2006, a series of incidents has led to the withdrawal of the financial resources granted by the Belgian state to the Exécutif, which began to function a minima. However, in March 2014, a new Exécutif was set up. The process of election has been changed: each recognized mosque had to designate representatives and all these representatives have elected the members of the Council and chosen the President.

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### 3 Debates in the Public Sphere

As already stated in the introduction, the French- and Flemish-speaking communities have implemented different integration policies regarding immigration issues. Flemish integration policy is close to the Dutch multicultural model (see Schuh, this volume). Indeed, the Flemish government has adopted a policy framework clearly based on the recognition of ethnic-cultural groups, including both settled legal migrants and refugees. Thus, the Flemish model of the integration of immigrants is clearly in line with Anglo-Saxon and Dutch ideas of group-based multiculturalism (Jacobs 2001). For example, holidays are granted to pupils according to their faith. This does not happen in the French-speaking part of the country. Indeed, the French-speaking community's public policy on integration is more assimilationist and closer to the French republican model (Jacobs and Rea 2005; also Arslan, this volume). Intellectually influenced by France's individualist republican model, the Francophone government has not been willing to recognize ethnic-cultural groups as specific entities in its policies towards immigrants (Jacobs 2001). This means that the collective identity of migrants and ethnic groups is neither recognized in the public sphere nor financially supported by the public authorities. To summarize the situation in the French-speaking part of the country, we observe a growing opposition between multiculturalists in favour of a more inclusive approach towards religious and ethnic identities in the public sphere and defenders of 'laïcité' fighting for the inscription of this principle in the Belgian Constitution.<sup>3</sup> However, two

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<sup>3</sup> See, for example, the website of RAPPEL (<http://www.le-rappel.be> Réseau d'Action pour la Promotion d'un Etat Laïque—Action Network for the Promotion of a Secular State), created

elements disrupt this too-neat picture of a single country divided into two communities with opposing public policies towards immigration and religious pluralism. First, the Flemish-speaking part of the country, concerned about a growing nationalist movement, has experienced the same backlash against its multicultural model as have the Dutch and has thus shifted to a more assimilationist position. Indeed, since the end of the 1990s the Flemish have been preparing and experimenting with citizenship trajectories in which lessons in the Dutch language and introductions to Flemish and Belgian society are to be taken by certain categories of immigrant newcomers (Jacobs and Rea 2007). The aim of the Flemish Decree on Civic Inclusion is actively to promote a certain degree of language and cultural assimilation: this scheme, copied from the Netherlands, has become compulsory for (most) non-EU newcomers (Jacobs and Rea 2007).

Belgian state citizens born outside Belgium have also become target groups (Jacobs and Rea 2007). The influence of both an extreme right-wing party with a clear anti-immigrant stance and a nationalist party that propounds a critical discourse towards Islam has made issues such as the incorporation of immigrants and the ethnocentrism/multiculturalism divide into defining issues of the new Flemish political landscape (Jacobs 2004). There is, for the moment, only an obligation to participate in citizenship trajectories, not to achieve a certain knowledge level, and there are no consequences for non-compliance regarding the level of entitlement to residence permits or nationality acquisition, which are federal Belgian prerogatives (Jacobs and Rea 2007). However, following a Flemish decree voted in 2006, access to social housing (a Flemish policy-level prerogative) is limited to individuals sufficiently mastering the Dutch language or participating in a citizenship trajectory scheme (Jacobs and Rea 2007).

The same assimilationist backlash was observed in 2011 at the federal level when MPs decided to tighten up the legislation regarding family reunification. The majority of Flemish parties and the French-speaking centre-right party voted in favour of a law imposing stricter conditions on family reunification for non-European residents, as well as for Belgians of foreign origin. The main argument used to justify this move was the fact that, besides the asylum process, family reunification had become the main channel of immigration. A stricter approach was thought necessary in order to fight against arranged marriages. The process is now restricted to children and couples and forbidden for older members of the family. The Flemish extreme right-wing party and the Green parties opposed the law, while the other French-speaking parties abstained. It should also be noted that

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in November 2007. Organized around intellectuals and charismatic leaders, the RAPPEL seems to be experiencing a decrease in mobilisation and activism.

the number of Islamophobic and racist incidents against Muslims declared and registered in Belgium is not insignificant and considerably higher than the number of antisemitic acts (Jacobs et al. 2011). Consequently, these aspects are creating a more general context of growing opposition to the visibility of Muslims in terms of public discourse and legislation.

### **3.1 The Ban on the Full Veil**

In 2010, Belgium became the first European country to pass a law forbidding the wearing of the full veil in public. The speed and intensity with which the debate took place is hard to explain. Indeed, neither an emergency (no ‘affair’ involving a Muslim woman wearing a full veil caught the public attention during the weeks preceding the ban), nor a growing number of Muslim women pursuing this religious practice (very few women actually wear a full veil in Belgium) can be invoked. Four proposals for a ban previously put forward by different MPs were combined, resulting in the adoption of a bill prohibiting clothing that does not allow the wearer to be identified. The full veil, then, is targeted by the law but not explicitly mentioned in it, in order to avoid accusations of direct discrimination against one particular religious community. Whereas in the French case a partial and limited ban was discussed and passed (in public services and in certain public places), the Belgian ban was intended to be generalized across the public sphere, including streets, parks and international hotels, to cite the most difficult cases of the law’s implementation. A fine ranging from 15 to 25 € (eventually multipliable by five) and a prison sentence ranging from 1 to 7 days were included in the law. The vote was almost unanimous: only three MPs from the Flemish and French-speaking Socialist and Green parties (sp.a and Ecolo) abstained. However, a government crisis halted passage of the bill before it could become law. Indeed, Belgium’s internal political divisions came to bear on the issue: a few hours after the law was voted by the lower house of Parliament, the federal government collapsed. Consequently, the law did not enter into force.

In January 2011, a judgment of the Brussels Police Court reopened the question of a federal law regarding the issue. Indeed, the Court, ruling on a case between a fully veiled woman and a Brussels municipality, ruled the latter’s local ban on the full veil illegal in the absence of a federal law. The Court considered the permanent banning of the full veil in the public sphere by a municipality to be a disproportionate restriction and in contravention of the European Convention of Human Rights. According to the Court, in the case of the full veil the principle of public security could not be invoked in order to restrict the expression of a religious right.

Consequently, the different political parties that had taken the initiative on the first law again submitted their different proposals. The House of Representatives passed the law in April 2011. Only one MP from the Flemish-speaking Green party (Groen) opposed it, while two others from Groen and the French-speaking Green party (Ecolo) abstained. However, after the first political failure, the Center of Equal Opportunities and Opposition to Racism and the League of Human Rights asked the Senate to consider the issue more fully before making a final decision about the law. Amnesty International also called on the Belgian Senate to exercise its prerogative to review the law and carefully consider it in the light of Belgium's obligations under international human rights law (Torrekens 2013b). The Senate did not follow this recommendation, and the law came into effect in July 2011. A few days later, several appeals against the law were introduced before the Constitutional Court. But in December 2012, the Court confirmed the law. Several appeals are currently in process before the European Court of Human Rights.

Four categories of argument used by the defenders of the law and being articulated in different ways can be identified in the controversy. At least three of these arguments are the same as those used in the 'simple' veil debate. That is, the full veil is a political symbol linked to religious extremism, a sign of women's oppression and evidence of the failed integration of immigrants (McGoldrick 2006). The last type of argument relates to the security dimensions.

Before reviewing the different arguments put forward in public debates against the ban, we should note that very few actors, especially Muslim actors, spoke out in public to condemn the law. There are different explanations for this situation. First, the weakness of certain arguments presented by these actors and the lack of credibility induced by their religious engagement make their access to the media more difficult. Secondly, these actors do not represent a homogenous coalition, with an identified spokesperson and a clear message. Third, few Muslim actors actually endorsed the wearing of the full veil. For them, opposing the law risked their losing credibility on a minor issue at a time when they have to fight other (and in their view more important) battles, such as the issue of the veil in state schools. It should also be noted that the ban's opponents did not advance any new arguments but rather contested or nuanced those developed by the law's defenders. However, it is possible to arrange these different points of view into five categories. The first category is the security dimension, with the opponents of the ban arguing that there is no proof of a link between the full veil and a threat to public security. The second category of arguments is linked to the imprecision of the law, given that there are many other situations implying that individuals have to hide their faces in public. The third category concerns the absence of a ruling from the Council of State. For example, Edouard Delruelle, former director of the Center of Equal Oppor-

tunities and Opposition to Racism (the Belgian equality body), was worried about the validity of the law, its constitutionality and its conformity with international conventions. The fourth category of arguments pertains to the proportionality of the law, which implies an extensive restriction on individual freedom. This was, for example, the position of Amnesty International, which declared that ‘the law was not proportionate to a legitimate goal’. Indeed, according to those opposing the ban, wearing the full veil involves the exercise of a religious practice protected by several Belgian, European and international laws. They agree that the European Convention of Human Rights limits the expression of certain rights, but only if the goal to be attained is appropriate. For them, the European Court of Human Rights gives more importance to individual free choice than to other principles such as the idea of dignity. Moreover, for opponents of the ban, the law could induce indirect discrimination on the basis of religion as it disproportionately affects those who adhere to a particular religious conviction (Moors 2009). Last but not least, the fifth category of arguments is linked to the gender dimension. Indeed, for the ban’s opponents, the issue of equality between men and women cannot be mobilized in this debate without touching on other distinctive practices like the simple veil, the priesthood, etc. Meryem Almaci, a member of the Flemish Green party (Groen) who abstained during the vote on the ban, declared that it was ‘the result of a liberating momentum but it sanctions the women who wear these clothes, which—if they are in fact forced to wear those clothes—is likely to be counterproductive’ (Torrekens 2013b). In 2012, the Belgian Constitutional Court confirmed the law. Consequently, several appeals have been introduced before the European Court.

### 3.2 The Veil in Public Schools

The first ‘veiling affairs’ concerning pupils in public schools appeared in 1989 simultaneously with the French debate. Two decades later, the Flemish Community made the decision to ban the veil formally for pupils in public schools. As Fadil notes, ‘as to public manifestations of religion, a policy of laissez-faire is followed in Belgium, with public services adopting their own positions. In terms of headscarves, for example, this means that each school has the right to choose whether to ban or allow manifestations of religious identity from its building’ (Fadil 2006, p. 144). Then, although many of the arguments concerning the veil had previously arisen in the French-speaking part of the country, the Flemish government decided to put an end to the previous policy of informal regulation. The political justification for this decision was solidarity with the various Flemish schools that had decided to ban the veil because of its political significance and found themselves a target of

criticism for this. Since then, there has been no general ban on the wearing of the veil in Belgium, and the position of the public authorities there was similar to that of the French in 1989: the headscarf was acceptable in principle as long as it was not used in a proselytizing manner (McGoldrick 2006). However, several disputes regarding the veil emerged in the media, and in 2004, following the French Stasi Commission, two MPs from the Socialist and centre-right parties submitted, on their own initiative, a draft resolution inviting the federal as well as regional and community-level authorities to ban the wearing of religious signs in public spaces (McGoldrick 2006). However, the senators were unable to attract sufficient support among their respective political parties, and the draft was not discussed further (McGoldrick 2006). In 2006, a controversy opposed two prominent figures in the Socialist Party, Charles Picqué, who was the Minister-President of the Brussels Region, and Philippe Moureaux, mayor of a poor but large Brussels borough, but more importantly the head of the Brussels Section of the Socialist Party, when the former decided to forbid the veil in polling stations a couple of weeks before local elections. In 2009, following the regional elections, the first veiled woman took her seat in the Brussels Parliament. A member of the former confessional party, Mahinur Ozdemir (cdH) had been a locally elected councillor in one of the Brussels municipalities since 2006 without facing insurmountable problems with her veil. However, her election as an MP provoked a tremendous political commotion. Several prominent political personalities declared themselves in favour of the banning of religious signs in the different Belgian Parliaments. In February 2010, another affair concerning wearing the veil in public emerged when a young veiled PhD student, Fatima Zibouh, was proposed by the French-speaking Green party (Ecolo) to sit in the Center of Equal Opportunities and Opposition to Racism, a federal anti-racism agency. After months of debate, the political agreement was the following: religious signs were prohibited for state employees and elected representatives in executive functions but tolerated for Members of Parliament or individuals in other representative functions in view of the fact that they were supposed to represent the whole of society in all its diversity. In the French-speaking part of the country, the debate about the veil in public schools returned to public attention in September 2009, when the President of the French-speaking centre-right party, Didier Reynders (MR), declared himself in favour of the ban for pupils under the age of 16. A few days later, the working group of the party published its official position on the issue, which was to enforce the ban regardless of age. The other parties, internally divided on the issue, referred to the government agreement that did not put forward any legislative initiative before Autumn 2010 and the end of the 'Assises de l'interculturalité', a political initiative gathering together experts and aimed at discussing the different multicultural issues at stake. This status quo is still



pending, waiting for the legislative and regional elections of May 2014. However, the number of schools forbidding the veil is estimated by certain actors at 90 % of those in the French-speaking Community.<sup>4</sup> One solution more and more often mentioned by Muslim leaders is to create large official Muslim schools where the veil will be accepted. Very few Muslim schools exist in Belgium, but several projects are currently under study. If this can be perceived—as is sometimes claimed in public debates—as a move towards increased segregation, it should be noted that to a certain extent Muslims are using the opportunity structure granted by the Belgian model of church and state relations. Indeed, many confessional schools exist in Belgium (mainly for Catholics and Jews) and can be financially supported by the state quite in the same proportion as public schools. The very few number of Muslim schools that are functioning at present is linked to the fact that, before achieving state recognition and financial support, the school has to function for two years on its own, implying access to significant financial and human resources. Moreover, the wearing of the veil by employees in job positions is being increasingly debated and ruled by judicial decisions (though in different directions).

### **3.3 Mosques: Between Recognition, Transparency and Misunderstanding**

Following an early phase of invisibility and discreet presence in the city, new generations of mosque representatives have progressively made the visibility of Islam a key factor in legitimating and affirming their presence and leadership. Those in charge of mosques thus make the recognition of Islam the emblem of their identity and therefore refuse to stop at temporary or minimalist signs of visibility such as notices or display boards. By doing so, they express their desire to be recognized as Belgian but also as Muslim citizens. Their claims are thus included in a process of the ‘citizenization’ of Muslims residing in Europe who look forward to the prospect of full rights on an equal footing with other Belgian citizens (Allievi 2009). Indeed, what stands out from the interviews I have conducted among Muslims is their impression of a denial of citizenship joined to a threefold denial of recognition: a denial of rights, a denial of social standing in collective representations and a denial of voice (Torrekens 2011, 2013a). Consequently, their claim for equal respect involves recognition of status equal to others and the claim to equal consideration that this implies.

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<sup>4</sup> neutralité.be, 2009.

The installation of mosques in the urban space thus depends on the local context: local town planning, neighbourhoods, etc. In many towns, opposition to the construction of architectural mosques has arisen. This is something close to the NIMBY (Not In My Back Yard) attitude that describes the discourses and practices of opposition by resident populations to the installation or extension of a new “foreign” structure’ (see Hüttermann, this volume). The factor of proximity is decisive in this kind of conflict, which was thus as much about the use of local space as the appropriation of space and the legitimation of its symbols. Yet this type of discourse can also be tied to expressions of ordinary racism, and it is not clear how far islamophobia is involved in these processes. My own researches have revealed the tension that surrounds the installation and visibility of mosques in urban spaces and the way in which municipal authorities have instrumentalized town planning regulations to curb the establishment or at least the visibility of places of worship, thereby allowing their installation but keeping their public display to a minimum. This type of discretionary decision to wipe out or at least to reduce the visibility of the local Muslim population bears witness to the provisional and often case-by-case arrangements that political actors sometimes endorse, a situation that tends to perpetuate the myth that Muslim populations are a temporary presence and to minimize their visibility accordingly. This highlights the importance of discretionary power in this type of application, as well as the simultaneous strategies of accommodation and minimization of publicity that have accompanied the installation of mosques and aimed to keep those in charge of them discreet in their presence in the urban landscape.

### **3.4 Dietary Restrictions**

The same is true for dietary restrictions and halal slaughtering. A major debate emerged in 2005 and 2006 over whether halal meat should be provided in public schools in one locality of Brussels. The local debate rapidly caught the public’s attention regionally and nationally, and the polarization of the terms of the issue (‘against’ or ‘for’) became more important than the arguments themselves. However, after a couple of months the initiative was dropped, officially for financial reasons. Regarding halal slaughtering, some cities are flexible and have developed innovative technical processes in dialogue with the Muslim community, while others just deny the possibility of organizing a proper place for halal slaughtering during Eid.

## 4 Conclusion

For a couple of years, increasing visibility appears to many Muslims to be a way out of the humiliation they have often felt. It seems, then, that these demands for visibility are undergirded by the desire to bring Islam out of a situation experienced as unfair and discriminatory, but also to affirm identity and seek recognition. Within this framework, feelings of injustice work as a horizontal social imaginary phenomenon bonding many different Muslim actors in different contexts who act together simultaneously. In Belgium, as everywhere in Europe, public debates about the accommodation of Islam can be linked to major shifts in the political field and a more general uneasiness about Islam and growing religious pluralism in Europe (Silvestri 2010). Indeed, both extreme right and populist leaders as well as mainstream politicians have come to consider particular forms of Islam (or even Islam generally) as incompatible with European values and the national majority's way of life as under threat of Islamization (Moors 2009). Widespread confusion and ignorance about the Muslim population and its religion in general is then also part of the situation (Silvestri 2010). Exploring the Belgian situation allows us to understand how Islam is increasingly defined as a social problem and how relations between Muslims and non-Muslims have become increasingly polarized (Moors 2009). Behind all of this, in turn, a host of factors perceived as problems—globalization, migration, the financial crisis, shifting national identities, the changing balance of religion and secularism in society—can underlie the focus on an issue that seems to connect so many of them (Silvestri 2010). Islam has, then, become an easy card to play (Silvestri 2010). In Belgium, the Muslim population is numerous in certain areas. However, Muslims represent a minority in qualitative terms and in asymmetrical power relations that ascribe them with a different identity from the norm. To debate the accommodation of Islam is, then, a strong case of symbolic politics, a convenient means of distracting attention from more serious problems, such as unwelcome economic cuts (Silvestri 2010), or a kind of replacement issue (Terray 2004) which relates to the idea of values being threatened that must supposedly be defended against an internal enemy. The value-oriented statements we can find in the different debates explained in this chapter are clearly related to the idea of toleration. As Brown points out, the concept of secularism undergirding the promulgation of tolerance within multicultural liberal democracies not only legitimates their intolerance, but also glosses over the ways in which certain cultures and religions are marked in advance as ineligible for tolerance, while others are so hegemonic as not even to register as cultures or religions (Brown 2008). The second element is related to the fact that attempts to ban the full veil can be viewed in the context of a trend towards the culturalization of citizenship (Moors 2009).

Following Brown, tolerance talk became prominent as domestic norms of integration and assimilation gave way to concerns with identity and difference (Brown 2008). The intense debates about the accommodation of Islam offer a defence of the nation-state at a moment of crisis: as membership in the European Union threatens national sovereignty and calls for an overhaul of social policy and globalization weaken the standing of domestic markets, the question of national identity has loomed large (Scott 2007). In Belgium, two different identities coexist and sometimes confront one another: Flemish identity is based on language and culture, while the Belgian identity is essentially carried by the French-speaking population. Consequently, controversies over values are a highly convenient way of generating sentiments of national belonging, consensus and unanimity.

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# Islam and Muslims in Denmark

Brian Arly Jacobsen

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## 1 Introduction

Traditionally, Denmark has not regarded itself as a country of immigration but within 4 decades of immigration the demographic profile of the country has changed. Alongside the process of immigration, groups of immigrants with different religious backgrounds have altered the religious landscape of Denmark. A 100 years ago there were only very few people with e.g., Buddhist, Hindu or Muslim background. Today the situation has changed fundamentally. Islam has become the largest minority-religion in Denmark and this has resulted in new forms of religious symbols in the Danish public and the construction of Muslim institutions such as burial places, educational institutions and prayer spaces. These religious symbols and institutions have been disputed since they were first established.

The aim of this article is to describe and analyze the strategies used by Danish politicians in dealing with the presence of Islam and Muslims in Denmark, illustrated by the debates on halal slaughter and headscarves. The analysis of the debates from 3 decades shows how Danish politicians construct a culturalistic relational and antagonistic thinking through the 1980s which achieves hegemony in the Danish political consciousness in the 1990s. The political theorist Chantal Mouffe points out that what is central for the construction of the collective identity of a given social group is the formation of an *us* through the delimitation of *them* (Mouffe 1993, pp. 140–141). Mouffe argues that it is this logic of difference, which lets social antagonisms come into existence. She reasons that if identity can only be

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established by delimiting *us* from *them*, it follows that delimitation can always be transformed into an antagonistic relationship. Hence a social antagonism emerges when a simple *us/them* relation is transformed into a *friend/foe* relation. Based on this argument this chapter asks the question whether the articulation of Islam in Danish political debates is constructing a culturalistic relational antagonism.

In the first section of the chapter the political context is presented, followed by an account of the history of Muslim immigration with a description of the ethnic and institutional composition of Muslim groups in Denmark. After this follow the analyses of the debates on halal slaughter and headscarves.

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## 2 The Political Context of Denmark

Denmark is a constitutional monarchy with Margrethe II as queen regnant, organised in a parliamentary democracy. From 2001 to 2011, Denmark was governed by a centre-right-wing coalition consisting of the Liberal Party (*Venstre*) and the Conservative People's Party. This government relied on the right-wing populist Danish People's Party for support, in keeping with the Danish tradition for minority governments. This government has enacted tough measures designed to limit the number of immigrants coming to Denmark, specifically as asylum seekers or through arranged marriages. The Parliamentary election of September 2011 led to the fall of the centre-right coalition led by *Venstre* which lost its power to a centre-left coalition led by the Social Democrats making Helle Thorning-Schmidt the country's first female Prime Minister. The Social Liberal Party (*Det radikale Venstre*) and The Socialist People's Party (*Socialistisk Folkeparti*) became part of the three-party government. This government relies on the left-wing Red-Green Alliance (*Enhedslisten*) for support. These parties have been in strong opposition to the tight immigration policies of the former centre-right-wing government, particularly the 24-year rule (a measure that prevents foreign spouses of Danish citizens from gaining residence permits if either is under the age of 24, enacted to avoid forced marriages), the points-based immigration system and the Danish language exam. Up until now the new government has abolished the points-based immigration system and the Danish language exam. However, the present government wanted to keep the former governments policy on the 24-year rule.

Until the 1960s, immigration movements to Denmark were moderate and most immigrants came from other Nordic countries or Germany. This changed in the 1960s where an increasing number of immigrants primarily from Ex-Yugoslavia, Morocco, Turkey and Pakistan, came to Denmark to work. In 1973, the government

tried to put a stop to immigration from non-Western countries, but immigrants have continued to arrive, mainly as a result of reunion of families and asylum for refugees. The waves of refugees have had various causes: the Iran-Iraq war (1980–1988), the civil war in Lebanon (1975–1990), the civil war in the former Yugoslavia (1991–2001), the war in Afghanistan (2001–present) and the wars in Iraq (1991 and 2003–2011). Moreover, regional conflicts, the change of the political landscape in the Eastern part of Europe, and conflicts in the Middle East led to the arrival of several new groups of refugees during the 1980s, 1990s and 2000s (Hedetoft 2006). Today, immigrants and their descendants constitute 10.8 % of the Danish population of 5.6 million people (Statistics Denmark 2013). Immigrants and descendants of non-Western origin constitute 7 % of the total population.<sup>1</sup>

The earliest information we have on Muslims in Denmark is from the census in 1880, when eight ‘Mohammedans’ were counted. Subsequent censuses (the last was in 1970) have not referred to Muslims, either because there were none or because they were part of the category ‘other faiths’. The Ahmadis were among the earliest Muslim communities to arrive in Denmark and other Western countries. Ahmadis with a Pakistani background succeeded in establishing an Ahmadiyya community together with Danish converts in the mid-1950s. They constructed in 1966–1967 the first purpose-built mosque in Denmark, the *Nusrat Djahan Mosque* in Hvidovre (Copenhagen) and a prominent convert, Abdus Salam Madsen (1928–2007), was the first who translated the Quran to Danish in 1967 and for four decades it was the only translation of the entire Quran into Danish (Jacobsen 2011, pp. 165–166).

The Danish authorities do not register individual religious beliefs outside The Church of Denmark, so it is generally difficult to gather reliable information on individual religious affiliation. Data summaries extracted from the central person data registry (*Folkeregisteret*) and published since 1970 only give figures for members of the official Lutheran church (The Church of Denmark). An estimate of the number of Muslims in Denmark must therefore be based on a number of assumptions about correlations between nationality, ethnicity and religion. Research conducted regularly since 1999, has suggested that for example in 2008 only 84 % of Iraqi immigrants and their descendants regarded themselves as Muslims.<sup>2</sup> Therefore, it makes sense to calculate the total Iraqi Muslim community in Denmark to 84 %. This method of calculating religious adherence is done with all ethnic groups

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<sup>1</sup> According to Statistics Denmark Western countries include the European Union, Andorra, Australia, Canada, Iceland, Liechtenstein, Monaco, New Zealand, Norway, San Marino, Switzerland, USA and the Vatican. Non-Western countries include all other countries.

<sup>2</sup> For background data, see *IntegrationsStatus* (Catinet 2009, p. 6) and for methodology, see Brian Arly Jacobsen (2012).



from countries with a muslim population more than 5 %. The number of Muslims has increased significantly since 1980 from 29,400 (0.6 % of the total population) in 1980, to an estimated 244,400 (4.4 %) in April 2013.<sup>3</sup>

The largest ethnic group is Turks (22.7 % of all Muslims), followed by Iraqis (10.4 %), Lebanese (9.6 %), Pakistanis (8.6 %), Somalis (7.2 %) and Afghanis (6.1 %). The calculation also includes an estimate of converts and third generation Muslim immigrants. Estimates of the number of Danish converts to Islam range between 2,000 and 5,000, which can be reasonably calculated to 2,000–3,000.<sup>4</sup> This estimate does not take account of internal religious differences within Islam and includes groups such as Alevis, Shi'ites and Sunnis. A survey from 2008 distributes eight different ethnic groups from predominantly Muslim countries as follows: 45 % Sunnis, 11 % Shi'is, and 23 % 'Islam, other', which may include Ahmadiyyas, Alevis and heterodox Sufis (though, most Sufis consider themselves to be Sunnis) (Catinét 2009, p. 163). The remaining percentage is accounted for by people who said they belonged to other religions or no religion. It is estimated that 20 %–25 % of Muslims in Denmark (roughly 48,800–61,100 people) are associated with a mosque association, although formal membership numbers are much lower (Kühle 2006, p. 39, 47). There are no statistics on the geographical distribution of Muslims in Denmark but if they follow the pattern of immigrants and descendants in general, most Muslims live near the large cities in Denmark (Copenhagen, Aarhus and Odense).

There are many different kinds of Muslim organisations in Denmark. The ethnic-religious associations dominate in terms of membership numbers. They were the first to be established in Denmark and are often related to a mosque. The Danish Turkish Islamic Foundation (*Dansk Tyrkisk Islamisk Stiftelse*), which is part of *Diyanet Isleri Türk Islam Birliği* is indisputably the largest Muslim organisation in Denmark and almost half of all Danes of Turkish descent are members of the Diyanet funeral foundation (which has around 28,500 members).<sup>5</sup> It was established in Denmark in 1985 and the Foundation's local mosque associations were acknowledged as religious communities in 2006 by the state authority. There are also a number of religious organisations, such as Sufi orders, that transcend ethnicity. An example of a non-ethnic Sunni-oriented religious organisation is the Islamic Cultural Centre in Copenhagen (Islamisk Kulturcenter), which is one of the largest mosques in Copenhagen. It was established in the mid-1970s under the leadership

<sup>3</sup> 1980 is the first year in which Statistics Denmark has information on both immigrants and their descendants (Statistics Denmark 2013).

<sup>4</sup> Cf. Jensen and Østergaard (2007, p. 30).

<sup>5</sup> Cf. Annual Report of the funeral fund 2011.

of Imam Sibghatullah Mojaddedi, who was later to become the first president of Afghanistan after the Soviet troops left in the late 1980s (Pedersen 2012, p. 246). It is an open mosque without membership. Around 600–1,000 people visit the mosque for the Friday prayer. Many Sufi movements are currently experiencing growth, especially among Pakistanis and Turks. However, they largely keep to themselves. Examples are *Tariqa Burhaniyya*, *Al-Murabitun* and Sufi-oriented Turkish groups such as *Nurcu* groups and *Dialog Forum* established in 2002, which is related to the Fethullah Gülen movement and has around 100 members.

Finally, there are a growing number of politically oriented associations. One of the most publicly contested organisations is Hizb ut-Tahrir in Denmark, which is part of the international ‘caliphate’ movement. The organisation receives a lot of media coverage but it is difficult for outsiders to make contact with it. Estimates of its membership numbers are between 50 and 500.<sup>6</sup> Some of their public meetings in Copenhagen have attracted crowds of about 1,000.<sup>7</sup>

In the last decade, some Muslim organisations have started to organise themselves in Muslim umbrella organisations so that they can speak with one voice on issues affecting Muslims in general, such as establishing of burial grounds or mosques. The largest umbrella organisation is The United Council of Muslims (*Muslimernes Fællesråd*), which was formed in 2006. It was born of a desire among Muslim organisations for a shared representation in Denmark. It currently acts as an umbrella organisation for 13 assorted Muslim associations, with a combined membership of up to 35,000 individuals. Another example of an umbrella organisation is The Danish Islamic Council (*Dansk Islamisk Råd*), which is an independent charitable institution. It is co-founder of the Federation of Islamic Organizations in Europe (FIOE). Its purpose is to bring together Muslim associations to jointly lobby on Islamic issues. Its initiator was a Social Democratic politician Hamid El-Mousti and the first meeting, in 2000, was attended by approximately 30 Muslim associations. The organisation opened the first mosque with a minaret and dome in June 2014 in Nørrebro.<sup>8</sup> The minaret will not be used to broadcast a call to prayer after

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<sup>6</sup> Estimated by the researcher Kirstine Sinclair in the newspaper *Information*, 4 March 2003 and Malene Grøndahl et al. (Grøndahl et al. 2003, p. 16, 29, 3).

<sup>7</sup> Cf. their latest demonstration against the *Youtube* amateur movie “Innocence of Muslims” in front of the U.S. embassy in Copenhagen attracted approx. 1,000 participants September 16, 2012.

<sup>8</sup> Nørrebro is located just north of Copenhagen city centre. Nørrebro has always been a centre for immigration in Denmark (Schmidt 2012, p. 605). The neighbourhood houses one of the largest segment of immigrants in the city—by January 1, 2013, 26.7 % of the 56,143 people living in Nørrebro were either immigrants or ‘descendants’ of immigrants (Municipality of Copenhagen 2013), the latter being the statistical term describing people born into families in

an agreement with the Copenhagen municipality. The building of the mosque was only possible because of a 150 million kroner donation by the former ruling emir of Qatar, Hamad bin Khalifa al-Thani, which has led critics in Denmark to voice concern that the mosque will be used as mouthpiece for the Islamic state's conservative views. The organisation's spokesperson, Mohamed al Mainouni, dismissed the criticism.

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### 3 The Integration of Islam

The Danish model of State and Religion is a model of regulating religion that on the one hand represents a certain Westphalian understanding of the state (*cujus regio, ejus religio*), and on the other hand represents a liberal understanding of religion in a modern state. At the same time the model presents some difficult compromises in Danish *realpolitik* (Vinding and Christoffersen 2012, pp. 9–10). The Constitution provides for freedom of religion, and other laws and policies contribute to the generally free practice of religion, although the Evangelical Lutheran Church, as the national church, enjoys some privileges not available to other religious groups. The Constitution stipulates that the Evangelical Lutheran Church is the national church (§ 4) and the state must support it. Today the members of the national church constitute 78 % of the population. The national church is the only religious organisation that can receive state subsidies or funds directly through the tax system, but government does grant official status to other religious groups. Prior to 1970, a total of 11 religious communities were 'recognized' by royal decree. Since then, the state has 'acknowledged' around 130 additional religious communities under the Marriage Act, by which the Ministry of Social Affairs and Integration (since October 2011) can authorise clergy within non-recognised religious communities to conduct marriages, and have a number of tax benefits and other rights. As of the end of 2012, 23 Muslim communities were 'acknowledged religious communities'.<sup>9</sup>

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which at least one parent either is an immigrant or does not hold Danish citizenship (Statistics Denmark 2013).

<sup>9</sup> Alevis are not included in this category. The current eight Alevi associations are categorised as 'other congregations' by the Ministry of Social Affairs and Integration. *Dansk Tyrkisk Islamisk Stiftelse* (Danish Turkish Islamic Foundation (Diyaret in Denmark)) is acknowledged as one religious community with 29 congregations, *Minhaj ul Quran* has four congregations and *Islams Ahmadiyya Djama'at* has two congregations (see [www.familietyrelsen.dk/samliv/trossamfund](http://www.familietyrelsen.dk/samliv/trossamfund). Accessed 4 Feb 2013).

In 1961 representatives from Islam's Ahmadiyya Mission in Scandinavia applied for official recognition in Denmark. On behalf of the Ahmadiyya Mission its Vice President Abdus Salam Madsen tried to obtain the recognition by royal decree for 'Islam Denmark.' In the application *Islam Denmark* asked for the delegation of the right to naming, to perform marriage ceremonies and to conduct funerals with full civil validity (Madsen 1961). The Ministry of Ecclesiastical Affairs refused to recognize the congregation, since the Ministry estimated that the number of members of the congregation was too small (around 45 members at that time). *Islam Denmark* complained about the Ministry's decision to the Parliamentary Ombudsman, who did not believe that Section 67 in the Constitution on religious freedom was violated, therefore the decision was not criticized by the Ombudsman (FOB 1961, pp. 84–85). As late as 6 August 1973, Madsen wrote to the Ministry once more to request recognition. He stated that there are now more than 12,000 Muslims in Copenhagen and that some 3–4,000 are in contact with their Mosque (Vinding 2013: 31). By 1973, however, the recognition by royal decree had been dropped as a legal option. *Islam Denmark* was therefore encouraged to apply for approval, which it received in 1974 as the first Muslim community in Denmark.

### 3.1 Halal Slaughter – A Contested Practice

One of the main political conflicts in Denmark between Muslim practice and Danish legislation has been Halal slaughter. Halal slaughter is permitted and halal food is widely available. Denmark is a major exporter of halal meat to the Arab world. The permit to perform halal slaughter within certain regulations has also opened a labour market for halal butchers with halal certifications. However, there have been political attempts from right- and left-wing parties to prohibit ritual slaughter since the end of the 1970s. The question of 'ritual slaughter' became a political issue for the first time after the passing of an animal protection law in 1950/1954 in the Parliamentary session 1978–1979 when the MP Alfred Hansen asked a question to the Minister of Justice.<sup>10</sup> It was also the first time that the issue of halal slaughter was taken up in Parliament at all. September 28, 1978, the Ministry of Justice gave a preliminary approval for halal slaughter, which should work until 1 January 1980. Alfred Hansen's question was in response to this interim approval. The question was: "What is the reason that the Ministry of Justice on 28 September 1978 gave permission for the Turkish and Pakistani foreign workers on Funen to

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<sup>10</sup> Alfred Hansen represented The Justice Party of Denmark (*Retsforbundet*), a centre-right political party.

perform ritual slaughter of sheep and lambs against the Danish law, and will the Minister in the future also ensure that foreign workers must imperatively be subject to Danish law?” (Folketingstidende 1978–2002, p. 5140). The liberal Minister of Justice, Nathalie Lind (1918–1999), reasoned the permission with “the desire to give Mohammedan Danish guest workers the opportunity to get meat from animals slaughtered in accordance with their religion” and that it is otherwise the same terms that “in 1954 led to the consolidation act on the slaughter of farm animals allowed for slaughter according to Jewish rite” (Folketingstidende 1978–2002, pp. 5140–5141). These two considerations—the principles of religious freedom and religious equality—have been the leading principles of successive governments’ defence of ritual slaughter since then. In 1980 halal slaughter was legalized on an equal footing with Jewish slaughter methods (*Shechita*) provided by a permanent permit. Since Alfred Hansen’s first question in 1978 various MPs provided a total of 68 parliamentary questions concerning ritual slaughter and/or halal. There are posed five proposals for parliamentary resolutions and eight bills that would prohibit the slaughter of animals without stunning (Jacobsen 2008, pp. 202–206).

Usually public institutions decide on a local administrative level whether halal food is to be made available and in many schools, hospitals, prisons, nursing homes, and other public institutions management has decided to offer halal food in their menus, but often it involves a public debate. The main argument against halal slaughter is the same as in the first debate in 1978: it is considered uncivilized and un-Danish. The former leader of The Danish Peoples Party, MP Pia Kjærsgaard<sup>11</sup> said in a debate on ritual slaughtering in 1987 that: “Slaughter of animals without prior stunning before cutting the throat is far from the Danish mentality and caring for animals is changed to cruelty to animals. (. . .). A slowdown in the spread will be appropriate and a complete stop will be more appropriate (Folketingstidende 1978–2002, pp. 13870–13871).” Thus, there were two reasons to stop the ritual slaughter according to Kjærsgaard. The first one is the cultural reason: The slaughter method was “far from the Danish mentality”. The second was the animal welfare reason “cruelty”. The ‘cultural reason’ transformed ritual slaughter to a politicized religious symbol in line with other politicized religious symbols such as the headscarf symbol, which we have examples of later, mosques and circumcision. Both reasons have since been used as motives for a ban on ritual slaughter in Parliament. The left-

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<sup>11</sup> The Danish People’s Party was founded in 1995 by Pia Kjærsgaard, who led the party until 2012. The party was founded after Pia Kjærsgaard and three other politicians broke out from the Progress Party (*Fremskridtspartiet*). Pia Kjærsgaard represented the Progress Party in Parliament from 1984 to 1995.

wing parties' proposal for a ban has only been using the animal welfare reason as a motive.

The news media's portrayals of Muslim minorities are essential in Denmark. The majority of the Danish population does not have any personal contact with Muslims, and the media therefore constitute one of the main sources of information about Muslims for the majority population. Surveys from the 1990s show that less than 20 % of the Danish population interacted with immigrants once a week or more (Gaasholt and Tøgeby 1995, p. 64). A similar survey from 2006, looking at the contact level between the Danish Muslim population and the remaining Danish population showed that only 2.9 % of the Danish population had daily contact with Muslims; 6.2 % had weekly contact; 6.7 % monthly contact; while 24.5 % seldom had contact; and 60 % never had any contact. Hence, most people in Denmark receive their information about Muslims from the media, and most people do not have any personal experiences to compare the media images with. One example of the media coverage is the recurrent debate on meat that is slaughtered according to Islamic halal principles.

In the summer of 2013 the question of halal slaughter filled newspaper headlines again, as politicians returned to the debate about how far Denmark should go to accommodate so-called imported religious norms. The focus of the media attention was that Danes are either eating meat that is slaughtered according to Islamic halal principles without knowing it or are forced to eat it at public institutions such as hospitals, daycare centers or nursing homes. In a series of articles, the tabloid newspaper *Ekstra Bladet* reported that almost all Danish chickens are halal, that several daycares in Copenhagen have opted to stop serving pork and only serve halal meat and that a major Hospital in Copenhagen has only served halal meat for the past decade.<sup>12</sup> The Danish People's Party expressed fear at the developments and argued that halal meat is yet another case in which Danes are forced to accept Muslim norms. Their immigration spokesperson, MP Martin Henriksen, called for legislation to force public employees to conform to Danish cultural values and norms: "If people don't conform [to Danish practices] they should be given an official reprimand. Most people will then conform but if they don't, and insist that their culture should be all-dominating, then the severest consequence should be that they would lose their job" he said to *The Danish Broadcasting Corporation* (DR, 26.07.2013). A spokesperson for The Conservative Party, Tom Behnke, agreed

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<sup>12</sup> From the first article July 16, 2013 to August 31, 2013 *Ekstra Bladet* published 86 articles on the subject *halal*. The first article was entitled: "Børnehaver bandlyser svinekød" (Daycare centers ban pork). In all the national newspapers 218 newspaperarticles on the subject were published in the same periode.

with Henriksen's suggestion: "The limit is reached when I, as a Dane, am forced to live in a completely different way than I have up until now. I won't accept that. It's fine to be respectful of the religious beliefs of others, but I am not in favour of forcing me and my children to comply with their rules." (Behnke to *The Danish Broadcasting Corporation*, 26.07.2013). At first the fears of the opposition parties were not shared by the present government. On the issue of labelling halal meat, the spokesperson for the Social Democrats, Orla Hav, said his party will only take it up if consumers demand it: "Our main priority is to inform the public about issues that can affect their health, and about whether the food is organic, but there are limits to how much labelling can be introduced before it confuses consumers. And the method of slaughter does not rank high for us." (*Jyllands-Posten*, 26.07.2013). A few days after the spokesperson were corrected by his prime minister, Helle Thorning-Schmidt, who recommended meat producers and slaughterhouses to label halal meat: "I think the labelling of halal meat is a good idea. It's good that people know what they are buying. Some want to eat halal meat; others do not want to eat it. People should be allowed to choose freely, and they can do this if the meat is halal labelled." (*Politiken*, 15.08.2013).

The media coverage often represents Muslims in a conflictual perspective and as an uncivilized and primitive religion (Hussain et al. 1997). The example above shows how the media stereotype of the perceived uncivilized Muslim ritual practice of halal slaughter is mirrored in different political initiatives. In the media as well as in political initiatives, generalized images and understandings of the Danish minority Muslim population as uncivilized are constructed; while similar generalized images of the Danish Christian majority population as highly civilized and animal welfare-friendly are at play. These images contribute to a racialized understanding of religious and cultural practice, and the ethnic Danish population is positioned as the embodiment of high civilization. The public debate on halal slaughtering constructs an antagonistic relationship between *us*—the Danes—and *them*—the Muslims. Thus the antagonistic thinking is sedimented on a culturalistic relational logic between Danish and Muslim cultural practice.

### 3.2 Muslims – The Case of Headscarves

The issue of the headscarf is one of the most controversial issues concerning Muslim practices in many countries, and not only in Europe (Shadid and Koningsveld 2002, p. 192). In Denmark, the headscarf has often been debated publicly. Either on the basis of concrete cases where Muslim women have experienced discrimination in

the workplace or as part of a general debate about Muslims, where the headscarf is given a special symbolic position, as we shall see examples on below.

The first time headscarves were discussed in Parliament was in August 1987 due to a statement from a conservative politician and a social democratic mayor in the suburbs of Copenhagen who in television hassled over the dress and cultural behaviour of some of the foreign residents of the Municipality, “supposedly justified by their faith” (Folketingstidende 1978–2002, p. 13982). The Conservative Justice Minister stressed in his argument that religious freedom in Denmark also applied foreigners legally residing in the country (*idem*). The debate was short, but showed both how politicians began to articulate “the foreigners” as “Mohammedans”, and the short dispute, showed an initial stereotyping of Muslim appearance. After this short debate, the issue of Muslim headscarves only reappeared in Parliamentary debates at the end of the 1990s.

During the summer of 1999, in a high-profile case, the two largest Danish chains of retailers, *FDB* and *Dansk Supermarked*, stated that they did not wish to employ Muslim women wearing headscarves to work at check-out desks or other visible places in stores. A Muslim woman was not employed by the supermarket chains because she refused, if employed, to remove the headscarf. The supermarket chains claimed that headscarves are unhygienic and not compatible with their principles concerning uniforms. According to the then-minister of labour, the Social Democrat Ove Hygum, this contravened the law on discrimination: “As matters now stand I am in no doubt that it is illegal to exclude employees who say they carry a veil as a part of their religion.” (*Politiken* 07.09.1999). The public discussion regarding headscarves at workplaces was further fuelled by a case in 2000 convicting a department store of discriminatory practice (Eastern High Court, August 2000, case U 2000.2350 Ø). The department store had refused to give an internship to a 14-year-old girl in 1998 because she wanted to wear a headscarf. The reason for the sentence was that the store had no official dress code. This sentence and the supermarket case was followed by much public debate and in Parliament the debate lead to a proposal to ban the headscarf by the Danish People’s Party, but none of the other parties supported the proposal.

Headscarves are permitted in public schools and services in Denmark. However, the Supreme Court, in a verdict in January 2005, upheld the right of retailers and others to insist on uniform codes that included uniforms without the female headscarves for employees dealing with the public (Supreme Court verdict, 21.01.2005, case 22/2004). The Union of Commercial and Clerical Employees took in 2001 legal action against a large Danish retail chain on the ground of discrimination against Muslim women with headscarves who was fired because she did not live up to the retailer’s official dress code. The Supreme Court ruled that the retail chain had the



right to ban a Muslim woman to wear a headscarf at work. In that way the Supreme Court sat the interpretative framework based on secular principles, where the companies dress code policy in this case was weighted by a religious practice—as long as it did not discriminate particular groups. The Supreme Court verdict from 2005 stated that the dismissal was legal because the ban on the headscarves was a general ban on all forms of political, religious and cultural symbols. According to this verdict, it is the company management's responsibility to set the limits of adaptation on the labour market when it comes to religious headgear such as the *hijab*.

There have been attempts to ban the headscarves in Parliament several times. The Danish People's Party tried for instance to ban the wearing of the headscarves in the spring of 2007, but failed. The Prime Minister at that time, Anders Fogh Rasmussen, said in a speech on Constitution Day in June 2007 that:

All Danish citizens have rights and duties, regardless of their religious views, but on the other hand, the state should not concern itself with things like religious clothing or meal traditions. That is a personal matter—even when it crosses over into the public sphere.<sup>13</sup>

Wearing headscarves was, in this perspective, part and parcel of the principles of religious freedom and therefore this statement represents an inclusive discourse towards Muslims in Denmark.

In the spring of 2008, there was a major political debate about whether female Muslim judges and other public authority figures should be allowed to wear the headscarves with judicial attire. The debate was a result of a newspaper campaign launched by The Danish People's Party against judges wearing Muslim headscarves in court. In December 2008, the government proposed legislation that would ban judges from wearing religious or political symbols in court. The law has come to be called the "headscarves act", because its real purpose is to ban Muslim women from wearing headscarves when acting as judges or jurors. The government, the Danish People's Party and the Social Democrat's passed the act in May 2009, although the proposal has been met with strong opposition from judges' and lawyers' associations.<sup>14</sup>

The Conservative Party proposed a burqa ban in August 2009, but the justice ministry ruled it unconstitutional. Officials and scholars were asked to draft a report on the burqa and niqab issue in Denmark, which was completed in late 2009,

<sup>13</sup> Cf. "PM: religion out of politics", *Jyllands-Posten News*, June 6, 2007 (*Jyllands-Posten's Newspaper* in English).

<sup>14</sup> Cf. L 98: Forslag til lov om ændring af retsplejeloven. (Dommeres fremtræden i retsmøder) [Proposal for a Law amending the Code of Civil Procedure. (Judges appearance in court hearings)]. (Passed May 29, 2009, Folketinget.dk).

but the government did not publish the report until January 2010 after a version was leaked to the press. The sociologist Margit Warburg and other researchers at the University of Copenhagen wrote the report and their conclusion regarding the number of women wearing niqab or burqa in Denmark was 100–200 (60 of them were converts) and 0–3, respectively (Warburg 2009). The publications of the report lead to a major debate in Denmark on Islam in Denmark, on Muslim veiling and research of Islam in general. Following the publication of the report, the former Prime Minister Lars Løkke Rasmussen (*Venstre*) said that the full Islamic dress and niqab is not appropriate in Danish schools. The outcome of the report—besides another round of debating Islam and veiling—was a government plan on banning burqa for witnesses in courtrooms. In a survey commissioned for *Denmarks Radio* on Danes' view on burqa and niqab, 53 % answered yes to a ban while 38 % thought niqab and burqa should be allowed in public places.<sup>15</sup> The Conservatives have since revoked their own call for a ban on the burqa. The committee report that was published in early 2010 had no legal effect. The headscarf was once again in a public debate represented as incompatible with the principles of religious neutrality and generally viewed as being a religiopolitical symbol of repression, in contradiction with gender equality. According to the American political scientist Murray Edelman (1964/1985), symbolic politics can be understood as part of the expressive dimension of political action, which signifies the presentation of political action to the public. The government's initiatives to restrict veiling in the public can be characterized as a discursive practice of symbolic politics rather than a policy objective in itself. The result of the symbolic politics is the culturalistic antagonistic relationship between *Danish* and *Muslim* cultural practice expressed in the legislation analysed above and the symbolic attempts to ban veiling in the public realm as such.

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## 4 Conclusion

The strategies of Danish politicians when dealing with Muslims have changed during the last three decades. In the 1980s, the dominant discourse on Muslims was part of a wider discussion on the legal position of religious communities in Denmark and the state's potential responsibilities for religious communities outside the state church. Articulations on Muslims constituted a marginalized issue, which did

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<sup>15</sup> Cf. "Over halvdelen af danskerne vil have forbud mod burka" [More than half of Danes want a ban on burqas], *Denmarks Radio* 13 July 2010.

not attract much attention in the public sphere, although the first debates on halal and *hijab* was fundamental for the following debates.

During the 1990s, the discourse on Muslims changed, and this is reflected in the discussions on issues related to the Muslim presence in Denmark. In the 1990s, migrants were primarily constituted as an economic burden and a cultural threat. From being a marginalized discourse in the 1980s, not playing any major role in Parliament, this is now the dominating discourse on Muslims in Parliament. According to this discourse, Muslims and their religious practices are distinctively different from Danish culture and Danish values vis-à-vis Danishness, which is why meat that is slaughtered according to Islamic halal principles or Muslim women wearing headscarves appears as something very peculiar.

Although different governments and authorities have at times publicly adapted positive attitudes towards Islam in general, they still problematize Muslim religious practice (in)directly in public debates and at the same time take legal measures to prevent Muslim women to dress as a Muslim in courtrooms. These legal measures are used as part of a symbolic politic signifying political action in a publicly contested field.

It is characteristic of the debate that Danishness in the shape of debating issues such as ritual slaughter, the headscarf symbol, mosques and circumcision, are framed with point of departure in freezing the relation of *us* and *them*. The discourse appears to outdo the substance (the content of the political message), understood as the way in which the hierarchical modes of categorizing *them* in relation to *us*, or reversed *us* in relation to *them*, become generally accepted, regardless of the content of the message. Thus, on one level, we notice the disagreement between politicians on the substance—they either oppose or support halal slaughtered meat or headscarves; on another level, we observe a wider agreement on the basic discourse denoting a cultural differentiation between *us* (the Danes) and *them* (the Muslims). It is this culturalistic relational thinking which is sedimented through the 1980s, which achieves hegemony in the Danish political consciousness in the 1990s and expressed in the symbolic politics of the 2000s.

This analysis indicates that Muslim religious practise and Muslim identity is often understood as a binary antagonism of all that is generally considered to be 'Danish'; according to this logic, one cannot be a Muslim and a Dane at the same time. Because Islam is the religion of 'the other', the religion of the Danish majority—The Evangelical-Lutheran Church—becomes implicitly important as a central part of the articulation of *Danish identity*.

Debates on Islam have been one of the most heated topics in Danish politics since the end of the 1990s. As the Danish model of Religion and State is changing, as the present government has promised in their Programme for Government, it

will be of great interest to see if a reformation of the Evangelical-Lutheran Church is possible and if Denmark will produce a religiously neutral, soft secular model to which it has been aspiring since Denmark's first constitution was introduced in 1849.

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# Islam and *Laïcité* in France

Leyla Arslan

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## 1 Introduction

Since France has the largest Muslim community in Europe, and since Islam is the second most important religion in France numerically, it is not surprising that Islam is the subject of regular debates in French society. For decades, Muslim migrants in France made no religious, social or political demands but remained invisible because France was not their country and they intended to return one day to their countries of origin. Since the 1980s, however, a new French Muslim generation has grown up whose members have not hesitated to identify themselves as Muslims in both the public and private spheres, treating Islam not only as a unique religious and cultural identity but as a social one as well. This evolution and the visibility of certain religious practices challenge the mainstream vision of *laïcité*, the French version of church-state relations. So what main legal problems have emerged due to the demands from Muslims that France is now faced with? How have French society and institutions responded to the settlement of Muslim immigrants, and how has the latter's incorporation been facilitated, contested and negotiated? Finally, how have Muslim immigrants adapted their culture and institutional structures to their host societies?

As the second largest religion in France, Islam is the subject of regular debates in French society. The former Minister of the Interior, Claude Guéant, with responsibility for religions, claimed in 2011: 'In 1905, there were very few Muslims in France; today, there are between 5 and 10 million. This increase in the number of

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believers and of certain forms of behavior poses a problem<sup>1</sup> (*Le Monde* 4/04/2011). This link between social problems and the number of Muslims illustrates the fears and concerns of numerous politicians and of large parts of French society that translate into a flourishing extreme right-wing tendency in politics and increasing distrust and hostility towards Muslim migrants from Muslim countries and their descendants, who are increasingly defined as Muslims. Their visible religious practices have frightened public authorities and a large part of the French population because they are often associated with a radicalism that threatens the French Republic. The definition of *laïcité* is therefore becoming more and more restrictive in public debates (but not yet in the law), extending the obligation of neutrality for civil servants to the rest of society. In addition, religious neutrality is increasingly understood as the absence of religion in the public and even the private spheres (e.g., companies, NGOs). This chapter focuses on how religion constructs the relationship between Muslims and public authorities in France, as well as society at large. It analyses how specific religious practices such as veiling, praying and fasting are dealt with, as well as the legal problems surrounding such claims. How have French society and institutions responded to the settlement of Muslim immigrants, and how has their incorporation been facilitated, contested and negotiated?

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## 2 How Many Muslims Live in France?

As taking a religious census is forbidden in France—the last census to ask for religious affiliation dates from 1872—determining the precise number of Muslims is difficult. According to various estimates using different methodologies, there are anywhere between 2 and 10 million Muslims in France. How can this discrepancy be explained? These various assessments are due to the definition of who is a Muslim: someone born into a Muslim family, that is, into a family of North African, Sub-Saharan African or Turkish descent, or rather someone practicing Muslim rituals such as prayers, fasting, pilgrimage, eating halal food and not drinking alcohol? However, which ritual permits one to define who is truly a Muslim? For instance, in a previous survey, some Muslims stated that a Muslim was necessarily someone who prayed 5 times a day, not drinking alcohol and not eating pork not being sufficient, whereas for others saying the *fatiha* was the sole condition, regardless

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<sup>1</sup> “En 1905, il y avait très peu de musulmans en France, aujourd’hui, il y en a entre 5 et 10 millions. Cet accroissement du nombre de fidèles et un certain nombre de comportements posent problème”.

of alcohol consumption.<sup>2</sup> So is a Muslim someone who merely asserts being a Muslim? According to one's definition, the number of Muslims in France increases significantly.

Sociological Muslims (whatever relations they have with religion) born in Muslim families probably number between 4 and 5 million (Tribalat and Kaltenbach 2002; Godard and Taussig 2007; INSEE and INED 2010; The Pew Center's Forum on Religion and Public Life 2011). Using this methodology, Muslims are individuals and their descendants from Muslim countries such as North Africa, Turkey, Sub-Saharan Africa and Pakistan. The children of the second generation and converts are excluded from this figure. To analyse the social paths of those who are not included in the statistics as one or other ethnic category because their parents were born in France, in the 2000s some research officers proposed introducing some ethnic statistics, currently forbidden by the law, a proposal that is still producing vigorous debates today.

The main Muslim communities derive from the former French colonies. As Algeria was a French territory, the first Algerian migrants arrived in France in the 1920s, but mainly after the 1960s. The Moroccan and Tunisian waves came mainly in the 1970s. Until the ending of labour immigration in 1974, this North African migration consisted of single, young, poorly educated, working-class men. Afterwards, the profiles of Muslim migrants became more diverse: Africans, mainly from Mali and Senegal, and Turks came at the end of the 1970s, more often using the status of political refugee or seeking family reunification. After 1974, wives and families joined men living in France. Wherever they came from, a majority belonged to the most deprived social classes in their countries of origin, with rural roots and being poorly educated. Since 1980, migrants have had an increasingly educated profile and belonged to the more advantaged classes (Table 1).

People from the Middle East, India and Pakistan probably number 70,000. French Muslims also came from the French Oversea Territories, among the Comorians, who probably number 100,000, plus 70,000 from La Réunion and 193,000 from Mayotte (INSEE 2012). Most Muslims living in France are Sunnis, with some Shi'as from Lebanon, Iraq and Iran, and Ismaelis from Pakistan and India. The number of the converts is estimated a few tens of thousands.

If, however, Muslims were defined as individuals who stated themselves to be such, they would be less numerous. The survey 'Trajectory and origins' (INSEE and INED 2010) estimates their number at 2.1 million Muslims aged between 18 and 50 years old. By comparison, 65 % of French people identified themselves with

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<sup>2</sup> See Leyla Arslan, (2005 unpublished) *Au miroir du bled: l'Islam des français d'origine maghrébine*, Master II thesis, Sciences Po Paris.



**Table 1** The composition of the Muslim population with migrant roots in France is set out below

	Immigrants	Second generation	Total
Algeria	713,000	1,000,000	1,713,000
Morocco	654,000	660,000	1,314,000
Tunisia	235,000	290,000	525,000
Sub-Saharan Africa	669,000	570,000	1,239,000
Turkey	239,000	220,000	459,000

Figures from the Census of the National Institute of 2009 for Statistics and Economic Surveys (INSEE [2012](#))

Catholicism in 2006, down from 80 % in the 1970s and 90 % in 1905 according an IFOP La Croix poll. Protestants account for 2 % of the population (1.2 million), Jews 600,000 and Buddhists 300,000 (Machelon [2006](#)).

Since the 1990s, the Muslim presence has become increasingly visible, especially among the youngest generations. For decades, Muslim migrants remained invisible because they intended to return to their own countries and therefore did not make social, religious or political demands. However, since the 1980s, a new French Muslim generation born in France has grown up that consider France as their own country. They have therefore made demands to have the same social, political, religious rights as other citizens. Their political and social movement was known as ‘the march for equality and against racism’, whose thirtieth birthday was celebrated in 2013. After a decade of political mobilization to promote equality among Frenchmen with and without immigrant roots in the 1980s, a number of those from the younger generations were disappointed. Since this moment, Islam has increasingly assumed the form of an identity shelter. These new generations do not really know their countries of origin, nor their mother tongue, very well, and as a result they have proceeded to be faithful to their origins by referring more to Islam than to their culture or ethnicity. In this way, Islam has become a social identity more than just a religion. This new vision of an Islam as an identity refuge is more relevant to the most disadvantaged (Khosrokar [1997](#); Kakpo [2007](#); Kepel et al. [2012](#)) and has been strengthened by the feeling of social exclusion and racism against Muslims, which increased after the September 11 terrorist attacks.

However, this does not mean that upward social mobility leads to less belief and practice (Brouard and Tiberj [2005](#)). The level of practice develops strongly as a function of the migrant’s gender, age and generation. For instance, praying in a mosque is more a male practice (Tribalat [1995](#)). Moreover, if we consider only the descendants of Muslim migrants born in France, several forms of relationship with

Islam have been developed. A typology can be drawn up (Arslan 2010): very few of them refused to consider themselves Muslims because either they are atheists or they convert to another religion (INSEE and INED 2010). Others have become sort of born-again Muslims, converting back to Islam and developing a new religious sociability through the Internet and religious associations, and promoting an abstract Islam that goes beyond ethnicity. Their religiosity differs strongly from the traditional, rural, sometimes magical Islam of their parents. But most of those in the younger generations consider Islam in the same way as their parents, as at the same time a culture, a religion and a morality. How is French society confronting all these developments in its Muslim population?

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### 3 Islam as Challenging French Public Services

Since the revolution, citizenship and religious affiliations have been separated in France. Since the emancipation of the Jews in 1789, religious communities have not been recognized by French law, as the Duke of Clermont Tonnerre explained at that time: 'Everything will be denied to Jews as a nation; everything will be granted to Jews as individuals' (Mesure and Renaut 1999). Since then, religious law has not been used to rule social and political life, religious communities have no specific rights, and there is no longer an official state religion (Baubérot 2007). The principle of *laïcité* in church-state relations is based on case law, laws and the constitution, the latter asserting that France is a *laïque* republic. The most famous law on *laïcité* is that which lays down the separation of church and state, passed in 1905. If religious pluralism is acknowledged by the French Constitution, the law of 1905 promotes the separation of church and state, with state neutrality and equality between religions. However, not all French territory is governed by the 1905 law: a concordat applies in the east, in Alsace Moselle, which was German when the 1905 law was voted. Due to this regime, created by Napoleon in 1801, public money finances the wages of the clerics and the building of places of worship.

Since the end of the nineteenth century, the separation between church and state, coupled with the rise of a more secularised society, has periodically provoked strong tensions, which tend to subside, even though the defence of private faith schools or of the traditional family may resurrect them, as the massive Catholic demonstrations against gay marriage in 2013 illustrate. But the debate about *laïcité* is increasingly a debate about Islam, a trend strengthened by the fact that the extreme right has adopted a specific vision of *laïcité* in the past few years. Although members of the extreme right criticize Muslim prayers held in the streets, they do

not complain about Catholic fundamentalists who prayed in the streets for instance during the public protests against gay marriage in the summer of 2013. This new way of considering *laïcité* is having an effect on the whole political chessboard in France. This hotchpotch between the lack of *laïcité* and Islam is due to the more recent arrival of this religion in France and its new visibility in the both public and private spheres, which appears bizarre in a highly secularized society.

The facts presented here, even though they do not represent routine behaviour on the part of Muslim populations, have appeared to be the main legal problems that the public authorities have had to face until today. I will describe them in more detail to account for the evolution of public debate about the Muslim presence in France.

### 3.1 Islam at School: Veiling, Fasting, Eating Halal

#### 3.1.1 The Veil: from Students to Mothers

When the first massive wave of Muslim migrants arrived in France in the 1960s, Islam was not an issue for the state: migrants were supposed to return to their own countries one day. Moreover, like other religions, Islam has had to be incorporated into the very specific French form of church-state relations created at the end of the nineteenth century. However, the religious visibility of Muslims has challenged the public authorities in what is a very secularized society. The main legal conflicts have resulted from a clash between *laïcité* and certain religious practices. *Laïcité* is a legal requirement obliging public servants to observe religious neutrality. But *laïcité* tends more and more to be assimilated to secularization. What is the difference between them? *Laïcité* is a legal obligation of neutrality placed on the state and public servants, whereas secularization describes a process in which religion has less and less importance for individuals in the both private and public spheres (Baubérot 2007).

The right to wear a headscarf, first at school, then in both the public and private spheres, illustrates this process. From 1989 to today, the Islamic headscarf controversies have agitated people's minds. The first controversy over the veil was sparked in October 1989, when three female pupils were excluded from their school in Creil for refusing to remove their veils. Due to the high media coverage, resulting in the intervention of famous intellectual and key political figures, this decision led to long debates about the relationship between Islam, *laïcité* and the republic that are still going on today (Gastaut 2000; Joppke 2009). The Socialist Minister of Education criticized the exclusion of the girls without finding strong support in the rest of society. From this moment to the passing of a law forbidding any visible

sign of religious affiliation in a public school in 2004, several legal decisions have succeeded each other, each more and more restrictive than the last. In November 1989, the Conseil d'Etat, the highest administrative court, ruled that the scarf was compatible with the *laïcité* of public schools. After several controversies over the veil, a memorandum from the new centrist Minister of Education, François Bayrou, set out the difference between 'discreet' religious symbols that can be brought into classrooms and 'ostentatious' religious symbols (including the *hijab*) which should be forbidden in public establishments (Lorcerie 2005).

In 2004, Jacques Chirac passed a law forbidding the wearing of any 'ostentatious' religious signs, including the Islamic veil, the Jewish *kippa* and large Christian crosses. Discreet signs of faith, such as small crosses, stars of David and hands of Fatima, were permitted. This law does not apply to universities but only to primary schools and high schools. It was one of the proposals of the Commission Stasi consisting of academics, politicians and top civil servants: other proposals, such as the recognition of non-Christian religious celebrations or improved teaching of religious facts, were not adopted (Lorcerie 2005). How can this law be assessed? Most of the veiled pupils decided to unveil. In 2004–2005, 96 pupils decided to leave public school, 47 were excluded and 21 joined a distance-learning program (Cherifi 2005). After a long protest against the law, with demonstrations and participation in public debates, the Union of French Muslim Organizations, (l'UOIF, Union des organisations islamiques de France) with roots in the Muslim Brotherhood, organized some local groups to help the excluded girls and to assess their numbers on their own by publishing a report (Comité 15 Mars et libertés 2005). In 2013, the UN Committee for Human Rights condemned France over the exclusion of a Sikh student from a public school and urged it to amend the 2004 law.

The public debate about veiling at school is currently tending to evolve: now the wearing of a long dress and headband tends to be assimilated to a religious sign. In 2013, the Conseil d'Etat approved the exclusion of a female teenager for wearing a long dress and a headband (*Le Parisien*, 'Le bandeau de la collégienne se dénoue au Conseil d'Etat', 19/03/2013). In August 2013, a report of the High Council for Integration proposed to extend to universities the prohibition on wearing a veil in a public school (*Le Monde*, 03/08/2013). This proposal was not strongly supported by the *laïcité* observatory created by the socialist President Hollande in 2013.

All these cases concerned pupils, but what about veiled mothers involved in school activities? Some schools prohibited veiled mothers from joining their children's classes on school trips. However, as they are not public servants they do not have to respect neutrality and *laïcité*. On May 14, 2007, the High Authority for the Struggle against Discrimination and Equality (HALDE) confirmed that veiled parents should be allowed to attend school activities.

### 3.1.2 The New Muslim Issues at School

Beyond veiling, the school and the global educational sector is being increasingly challenged by new religious issues. For instance, during summer 2012, the city of Gennevilliers temporarily suspended three youth organizers because their fasting during the month of Ramadan risked causing security problems for the young people in their care. The previous year, the city had been faced with an accident committed by another youth organizer who was fasting. However, the decision caused a huge controversy, and the three youth organizers were reinstated.

Wearing the veil is not the only challenge that a public school has to face. For some years, demands that halal food be served in public school canteens have been made, even though the arrival of French people repatriated from Algeria (*piets noirs*, Jews, *harkis*) led town councils to provide at least food without pork. At Villefranche-sur-Saône in 2005, Muslim parents received a letter from the town council warning them that their children would be excluded if they refused to eat meat, given the fact that it is not halal (i.e. coming from animals slaughtered according to the Muslim rite). This was condemned by anti-racist organizations such as the MRAP (Movement against Racism and for Friendship between Peoples, launched in 1949). In 2008 the city of Lyon thought up a new policy permitting respect for both *laïcité* and religious practices. After consulting the most important *laïque* organizations and representatives of the main religions, in 2008 the city council created an ecumenical meal without meat. At Illkirch-Graffenstaden (Alsace), which was able to benefit from the concordat, halal meals were introduced as early as 2008.

## 3.2 The Gender Issue in the Public Services

In public opinion, Islam is often suspected of enforcing inequality of treatment between men and women and physical separation between them, both aspects being symbolized by the veil. Even though the majority of the Muslims in France do not share this view, the behavior of certain ultra-conservative Muslims tends to cast all Muslims in a bad light because of excessive media exposure. Certain Muslims indeed have forms of behavior that are complicated for public institutions to deal with. For instance, during the 2000s, several city councils were confronted with demands that the use of public facilities such as swimming pools or gymnasiums should not be mixed. In public hospitals, several men refused to allow their wives to be examined by a male doctor. These news items are wrongly presented as routine Muslim behavior, with extreme right movements using them in their discourses of fear about the Islamization of France. Finally, the public authorities drew up a

code of *laïcité* in 2006 explaining, for instance, that a patient cannot choose her doctor in an emergency. In celebration of the centenary of the 1905 law in 2006, President Sarkozy asked André Rossinot, Mayor of Nancy, to draw up a report about the proper application of *laïcité* in the public services. In 2007, an observatory of *laïcité* was set up to help government maintain *laïcité* more efficiently in the public services.

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## 4 Islam Challenging the Private Sphere

### 4.1 Veiling in the Streets and the Private Sector

If the debate over the protection of *laïcité* was mainly about the public sector, it also involved the private sector. The veiling issue is still a good illustration of this development. After decades of controversy, it has been extended outside the arena of the public services to the public sphere (the streets) and even the private sphere (firms and NGOs). Since 2004, several MPs have proposed laws to forbid veiling in the street or the private sector. They have invoked diverse arguments: *laïcité*, gender equality, security, etc. For instance, in 2006 Jacques Myard, a right-wing MP, proposed a law aimed at the prohibition of veiling in public spaces, with a possible penalty of 2 months of imprisonment. In 2006 Jean Glavany, a socialist MP, proposed to extend the 2004 law: after consultations with trade unions, business owners could ban wearing the veil in their firms in the name of security, relations with their customers and social peace within the firm. During the presidential campaign of 2007, the extreme right-winger Philippe de Villiers proposed forbidding veiling in public places. None of these proposals was passed.

In 2010 a law banning the full face covering, including the full veil (*niqab*), in public places was passed in the name of security, not *laïcité*. Now, in 2014, after considering a petition from a young female Muslim protesting against this 2010 law, the European Court of Human Rights doesn't condemn the French law. A few tensions have been aroused since its passage: for instance, in Trappes, a Paris suburb, a police check of a fully veiled woman led to local riots during July 2013. Since 2010, 423 fully veiled women have been fined (*Le journal du dimanche*, 28/07/2013). Although most Muslim organizations rejected the *niqab*, they did not support the passage of a law aiming to abolish it, believing that such laws strengthen the stigmatization of Muslims. After the vote, only a tiny radical group led by an Algerian, Rachid Nekkaz, organized a few demonstrations to protest against it.

Between 2010 and 2013 a new controversy arose, not about veiling at school or in the street but about veiling in the private sector (firms and NGOs). In 2013 France's highest court ruled that a French Muslim woman had been unjustly fired in 2008 for wearing a headscarf at work in a private child-care center in Chanteloup-les-Vignes, a Paris suburb. However, this judgment was the last step in a long and epic legal path. The legal experts of the HALDE (High Authority for the Struggle against Discrimination and Equality) initially judged in 2010 that the veiled woman had been unfairly fired, but in 2011 their new president, Jeannette Bougrab, overturned this judgment (*Le Figaro*, 'Une affaire de voile au travail prend une tournure politique', 09/11/2013). Finally, after several contradictory judgments by the different levels of courts of justice, in 2013 the court of appeal ruled that the dismissal did not violate the woman's religious freedom. A new law to prevent veiling in private child-care centers was under discussion in June 2013, but was not passed.

Thus, the issue of veiling in the private sector poses a new challenge: is the state right to rule over the wearing of the veil in the private sphere? The public debate does not interrogate these events in those terms. However, the decision to accommodate religion in the private sphere is opposed by a public debate that is increasingly hostile to the veil and more and more in favor of a restrictive definition of *laïcité*. This new definition of *laïcité* in the public debate (though not yet in the law) tends to extend the obligations of neutrality imposed on civil servants to the whole of society: the principle of religious neutrality is tending to be replaced by an absence of religious visibility in the public sphere, and even more so in private spheres (NGOs, firms, etc.).

These restrictions on the right to wear the *hijab* have led Muslim organizations to protest: a massive demonstration was organized before the law of 2004 (religious symbols in schools), and Muslim associations such as the UOIF (Union of French Islamic organizations, close to the Muslim Brotherhood) threatened to mobilize the French and European courts. However, Muslims themselves have not reached a consensus about all these different cases against veiling. Concerning veiling at school, for example, some Muslims think the ban is good because it protects the youngest pupils from religious influence. But for others the ban is a proof of discrimination and does not respect the individual's liberty to express their religious faith. Moreover, they do not consider the banning of the *hijab* at school and of the *niqab* in the streets to be the same. However, although most Muslims feel ill at ease with the full veil or *niqab*, described in public debates as the Afghan *burqa*, many of them oppose the fact that a new law was passed to ban it. Mainstream society is more inclined to consider the veil as a symbol of inequality between men and women, as well as the *hijab*, even if girls decide themselves to wear it. Different pieces of sociological research explaining the meaning of the veil as experienced

by girls who wear it are often ignored (Khosrokhavar 1995; Venel 1999; Lorcerie 2005). Respect for gender equality appears non-negotiable in both public and political debates. This, coupled with the mainstream view of the veil, explains it is such a sensitive issue in France. However, although, at the end of the 1980s, veiled girls and the organizations supporting them mobilized religious arguments, the demands of veiled girls in the 2000s–2010s have tended to refer instead to human rights, and even feminism. They think that if feminism allows women to use their bodies as they want, while some women may choose to bare them, others may claim the right to cover them up by veiling.

## 4.2 Praying: Mosque and Prayer Rooms

From the 1960s to the 1990s, Muslims had very few places in which to pray, only cellars and prayers rooms in homes for young workers or in factories, etc. This situation can be explained by the history of immigration in France and by this particular sociological background. As a minority religion from abroad, Muslim migrants faced a situation between the 1960s and the 1980s when there was no Muslim infrastructure or religious federation except the Paris mosque built after the First World War as a gesture to soldiers from France's colonial empire. Until the end of the 1970s, Islam in France was considered exotic and treated paternalistically: it was a tradition of the *bled* (the country of origin in Arabic), associated with deprived, poorly educated and rural background workers. The 'OS', the assembly line workers of the automobile factories, were the symbol of this generation of foreigners without political representation on the French political scene, who generally lived on the fringes of mainstream society, in tiny hotel rooms, in homes for migrants or in slums located in the suburbs such as the slum in Nanterre, to the west of Paris. During this time, Islam was used as a helpful tool to calm social tensions, especially in and by the private sector: to avoid strikes, prayer rooms were opened in the factories or in the immigrant 'foyer', and TV programmes were broadcast about Islam. The Catholic Church played a large part in the building of Islam in France: inspired by the philosophy of Vatican II, some church rooms were lent to Muslims.

However, since 1979, the Shiite radicalism of the Iranian revolution has radicalized the discourse of some politicians: for instance, at that time the two socialist Ministers, Jean Auroux and Gaston Defferre, charged that some Islamist networks were manipulating Muslims in France, encouraging them to go on strike in the large factories (Deltombe 2005). At the same time, the extreme right developed a new cultural racism that influenced all the political parties. The social minister Laurent Fabius said at that time: 'the National Front asked good questions but brought bad



answers to them'. Consequently, linked to the fear of immigration, and due to the economic crisis (OPEC, strikes) and Iranian revolution, at the end of the 1970s Islam appeared increasingly as a frightening social fact rather than a peaceful one (Gastaut 2000). This new representation of Islam was strengthened by both the Salman Rushdie affair and the Islamic headscarf controversy. Since this moment, Islam has appeared as an archaic religion and has been suspected of not respecting fundamental rights such as freedom of expression. Up till now Muslim identity has appeared as a dangerous eth-class (Gordon 1964). Due to this development, the first Muslim associations created in the 1980s have fallen under suspicion, and building mosques has proved problematic.

However, since the 1990s, France has been faced with a large amount of mosque building. This trend appears as a symbol of the 'rooting' of French Muslims in France with the arrival of families since the 1970s and the emergence of Muslims who are French citizens and want to leave the cellars to pray in real mosques, not on the edge of the city but right in the center. This trend has come to be considered very consensual by most of the political chessboard. The high number of mosque constructions in recent years demonstrates achievements in the normalization of Islam: nowadays, the public authorities prefer to have an official mosque, with an imam knowing both, the religion and French society, rather than a lot of tiny prayer rooms with an unofficial imam.

This question has now become an important political issue since, in 2010, the National Front raised a controversy over the increase in public prayers in the streets, even though such prayers are the exception, as they occur in a very few places, well identified and due to the lack of space for prayer. In a few mosques, especially on Fridays and during important religious festivals, the believers become too numerous for the small space inside so that some of them pray in the streets around the mosque. This situation is not always well accepted by the local residents, who complain about streets being blocked. The extreme right violently criticizes this kind of situation: Marine Le Pen, the leader of this party, even made a parallel between the latter and the Nazi occupation of France. The building of a new mosque was designed to prevent this kind of situation. But how many mosques and prayers rooms exist in France? According to the Minister of the Interior, there were 2,449 prayer rooms and mosques in 2012: among them, places visited by fewer than 150 regular followers account for 65 %, between 150 and 500 regular followers 27 %, between 500 and 1 000 regular followers 6 %, and more than 1 000 regular followers 3 %.<sup>3</sup>

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<sup>3</sup> Source: Ministry of the Interior.

If certain researchers such as C. Joppke (2011, p. 3) assert that France will soon be over-served by mosques in terms of followers-per-mosque ratios, most Muslims still have the impression that space for prayers is lacking. Islam in France is still based on ethnic logics, as the figures quoted above illustrate: in fact, small prayer rooms are numerically more important. One explanation is that the different ethnic groups want to develop their own and better mosques and prayer rooms. At the same time, the local authorities are encouraging more and more Muslims to develop multiethnic coalitions to acquire central, large-scale mosques. For the public authorities, such central mosques would be a way to recognize the Muslim presence symbolically and to control it.

In either case, Muslims still need to find finance to promote their places of worship. Even though a French Muslim middle class and bourgeoisie is emerging, that is not enough to solve the need for finance: as they often belong to deprived populations, they do not have the means to build places of worship by themselves. Consequently they have appealed to the generosity of Arab countries such as the Emirates or Saudi Arabia, or sometimes their own countries of origin. However, this trend has been greeted negatively by both public opinion and the public authorities, who fear the arrival of an Islam from abroad that is more conservative, observes less equality between men and women, and more radical. The reluctance to accept foreign money impacts on both the building of prayer rooms and mosques and the development of Muslim schools. In spite of the law of 2004, very few such schools have been opened in France, and only two benefit from the recognition of the public authorities. One of them, Averroès High School in Lille, was ranked as one of the best French high schools in 2013. Several schools have waited for state recognition: at Décines, the state has refused until now to recognize the project due to security problems and the foreign origins of the funding.

Thus, seen to the number of prayer rooms and their mediocre quality, some politicians such as the former Minister of Housing, Benoit Apparu, have suggested public financing for the building of mosques. But this proposal is quite controversial in France due to the separation between state and church imposed by the 1905 law. However, several legal tools exist for building prayer rooms, such as emphyteutic leases, loan guarantees and the repair of a cultural building. In 2005 the Minister of the Interior, Dominique de Villepin, launched a 'Fondation des oeuvres de l'Islam de France', which was placed in charge of concentrating private funding under the aegis of the state.

The question of building is not the only issue about mosques and prayer rooms. Sometimes tensions appear due to neighborhood disturbances (linked to a lack of parking around mosques) and distrust of the neighborhood (Maussen 2009). Some local authorities also complain about extension works inside mosques being under-

taken without their consent (Kepel et al. 2012). However, unlike in Switzerland and Germany, the building of minarets is not yet an issue in public opinion in France, where most mosque projects avoid having such a visible tower.

### 4.3 The Halal Food Issue

Like the veil, the halal issue is leaving the school for other parts of the public domain. When in 2010 the Quick chain of fast-food restaurants opened some halal restaurants in deprived areas where large Muslim populations live, they were greatly criticized. Quick was accused of developing communitarianism, which is thought of badly in France. The question of halal food is becoming a very sensitive political issue, especially since the extreme right claimed that all French meat in the Ile de France came from ritual slaughter in 2012. This claim was denied by both the Ministry of Agriculture and the National Inter-professional Association for Cattle and Beef (*Libération*, 'Marine Le Pen, démentie sur la viande halal', 19/02/2012). With the halal issues, other debates appear: what really is halal? This question is important when we consider the high economic interests involved in this new market and the absence of any legal definition. However, this question interests mainly Muslims alone because some halal food scandals have arisen. The Ministers of Agriculture and the Interior are now considering introducing a legal definition such as Belgium has.

### 4.4 Marriage: Beyond Legal Problems

Beyond gender relations in public institutions, other aspects of relations between men and women have appeared to be a challenge, above all marriage. Whereas religious marriages are only authorized after a civil marriage, most Muslims marry religiously just before civil ceremonies. For most of them, a religious marriage does not have exactly the same status as it does for Christians or Jews: it is not a religious sacrament but a kind of contract, and Muslims often speak of it as a kind of engagement. However, celebrating it before a civil marriage is illegal, and any imam doing so risks judicial proceedings. But fighting against it is extremely difficult for the public authorities: unlike Christian priests or rabbis, anyone can be an imam.

Beyond that, one specific form of marriage challenges the public authorities most profoundly, namely polygamy. Polygamy is not widespread among Muslims in France, and it is mainly practiced by a few thousand Senegalese and Malian

families. For decades, polygamy has been a very controversial issue. In 1980, the *Conseil d'Etat* authorized a polygamist to come to France with his second wife provided he married her before coming to France (Montcho case, 1980). In 1993, the law about the entry and staying of foreigners forbade polygamy: a man living with several wives loses his residence visa.

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## 5 Confronting Islam: The Reactions of the Public Authorities

While countries such as Canada have managed the issue of cultural and religious diversity officially through legal notions such as reasonable accommodation, France did not choose this path at the national level. Although the public debate about religious and cultural diversity is analysed, France seems to prefer to adopt abstract national principles by using the law rather than developing a problem-solving approach and adopting a local and pragmatic dialogue between individuals and institutions. The problem-solving approach and locally reasonable accommodations are indeed strongly suspected as jeopardizing the republican model. This difference of treatment can be explained by the fact that Canada has the British common law tradition, of which reasonable accommodation is a very typical aspect, contrary to countries with a constitutional tradition, such as France. Intellectuals and politicians often associate this problem-solving approach with multiculturalism and demands for the legal accommodation of differences. This worries political elites because it is suspected of endangering *laïcité* and the principle of equality between men and women and of promoting conservatism, radicalism and Islamism. For instance, the issue of veiling was solved by passing several laws, rather than letting veiled pupils be dealt with by the public school's local managers and teachers.

The reasonable accommodation approach tends to be used at the local level: meals without pork or even meals authorized for all kinds of beliefs or dietary regimes, the loan of a gymnasium to organize the Eid prayer once a year (because prayer rooms are too much small), etc. The intention is to promote greater social peace at the local level. But sometimes, the argument of social peace is also used to oppose such decisions. Moreover, when exposed at the national level, it is often condemned and withdrawn, as illustrated by the controversy over the non-mixed use of swimming pools demanded by Jewish and North African associations at Lille.

Support for religious representatives is the other answer of the public authorities in coping with the Muslim presence. Faced with the lack of religious representatives at the end of the 1980s, the state decided to promote the institutionalization of the Muslim religion. In the past, the state played a large part in organizing other

religions, especially Judaism before the 1905 law, but nonetheless this new desire for a better Muslim organization encouraged by the state seems a strange decision against the background of the separation of church and state established by the 1905 law (Laurence and Vaisse 2007). In 1989, the Socialist Minister of the Interior, Pierre Joxe, set up CORIF, the Council of Thought on Islam in France. This consultative organ produced very few achievements. However, after the Islamist terrorist attacks in 1995, the new right-wing Minister of the Interior, Charles Pasqua, gave back his central role to the Paris mosque, which is controlled by the Algerian state (Godard and Taussig 2007). After the Socialist Party returned to government and the socialist Minister of the Interior set up a consultation process called Istichâra, the right-wing Minister of the Interior, Nicolas Sarkozy, completed this process by creating the CFCM (French Council of the Muslim Religion), placed in charge of opening Muslim cemeteries, training imams, ritual animal slaughter, building mosques and prayers rooms, and designating Muslim chaplains to work in hospitals or prisons. However, 10 years after its creation, it is still assessed as very weak and it has been highly criticized by its potential base, being suspected of creating a postcolonial relationship with the Minister of the Interior. This institution is very divided, with the main Muslim organizations having refused to take part in several previous elections. Beyond this official representation, more and more local mosques have organized themselves outside the main religious federations. For most Muslims, the latter (the Paris mosque supported by Algeria, the assembly of Muslims in France supported by Morocco, the UOIF, and finally the CFCM) does not represent them. This attitude illustrates the fact that being a Muslim is no longer a religious identity and that the religious associations are no longer the main actors promoting the Muslim identity.

Moreover, the demands referred to earlier over the veil, halal food, health examinations, etc. are rather the concerns of individuals outside the Muslim organizations. For instance, the demands for halal food to be made available in public school canteens are the concerns of a few families that are not collectively organized, and they are not supported by the official parents' unions. Although the main Muslim organizations protest against the different laws against the veil, they do not really organize public protests against it: the mass demonstration of 2004 against forbidding the veil in public schools was organized by a very tiny organization, and the President of the CFCM, Dalil Boubakeur, called on Muslims not to take part. The main Muslim organizations want to appear as republican ones respecting the law and the public authorities. Some of their intellectuals, for instance, tried to explain that veiling is not compulsory for women.

However, there are a few exceptions, such as the veiling issue, with organizations such as UOIF trying to mobilize opinion by using the court, or the attempt of the

main Muslim organizations to condemn every attack on Islam and the Prophet Mohammed. For instance, in 2006 and in 2012, *Charlie Hebdo*, a satirical newspaper, published some caricatures of the Prophet and Islam. The main Muslim associations (UOIF, Mosque of Paris. . .) sued it, but failed to have it condemned. The newspaper was backed by several intellectual and key political figures belonging to both the political left and right. The attempt to sue was seen as a desire to restrict freedom of expression and to restore the offence of blasphemy abolished by the French Revolution. However, for many Muslims this kind of event illustrates the rise of islamophobia in French society. In using this term, they make no difference between racism against Muslims and critics of a system of thought.

Islam and Muslims face a paradoxical situation in France today. On the one hand, the legal regime that governs relations between religions and the state is coping with a strong evolution: *laïcité* is a version of church-state relations that has been well defined by jurisprudence, the law and the constitution. However, there is an increasing discrepancy between the legal status of *laïcité* (obligations of religious neutrality on public servants) and the manner in which it is represented in mainstream public opinion. A political, ideological and legal struggle is going on to extend the scope of *laïcité* to the private sector, and an increasingly restrictive definition of *laïcité* is emerging in which *laïcité* and secularism are tending to be mixed up. However, this development has been ill-received by Muslims, even by those with weak religious practice, since they view it as a proof of racism against them. This development of the principle of *laïcité* and the highly sensitive debate surrounding it makes the public authorities less flexible, even at the local level, regarding the prospect of reasonable accommodations. On the other hand, rather than the less important tolerance given to visible religious practices, some positive developments are real but kept hidden: for instance, the difficulties associated with mosques symbolize the ‘rootedness’ of Muslims in France.

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# Islam and Dutch Contestations Over Secularity

Cora Schuh

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## 1 Introduction

At the beginning of April, after years of struggle, construction work for the Westermoskee in Amsterdam finally began. A poster depicted the planned mosque, in quasi- Ottoman style, with a towering minaret. Adjoining it, a Center for Thai Massage and a cross-fit fitness center have opened their doors. The story dates back to the early 1990s, when a mosque organization related to Milli Görüs bought the site in the West Amsterdam neighborhood of de Baarsje (Janssens and Halvman 2013). Municipal resistance to the initiative only eased when, under its outspokenly progressive leadership, the North Holland branch of Milli Görüs split from its southern wing. Well-integrated and well-educated members started determining the group's public image and turned Milli Görüs into an interesting cooperation partner for the local authorities, especially in the aftermath of 9/11 and the murder of filmmaker Theo van Gogh. The Milli Görüs leadership, the director of the local housing cooperation and a high official from the municipality set out to build the “most beautiful mosque” (Janssens and Halvman 2013, 36) in all the Netherlands, with its joint entrance for women and men, an architectural symbol of liberalism and integration. A Jewish-French architect's office was asked to combine the Ottoman style with the Dutch architectural tradition. Furthermore, the Dutch name ‘Westermoskee’ was chosen instead of the original Aya Sofya. The municipality even helped finance the project by buying the land and leasing it to Milli Görüs. In 2006 a festivity at the

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construction site was attended by important political office-holders and representatives of other religious groups. Meanwhile, though, tensions rose between Milli Görüs' German office and the North Holland wing, at least in part because of the latter's liberal stance towards gender equality and homosexuality. In the end, the progressive leadership lost its position to a more conservative one, and municipal support for the mosque declined. Now the mosque is being built, but the initiative has shown the various pitfalls involved in forging a modern and cosmopolitan Dutch Islam, namely the difficult balancing act regarding the state's neutrality and the tensions such policies must give rise to within a fractured Muslim community in which not everyone wants to be molded into an icon of liberal modernity.

Much has been written about how the Netherlands has changed from a paradise of pluralistic tolerance to a trail-blazer in the abandonment of multiculturalism (e.g. Entzinger 2006; Duyvendak et al. 2010). The place of Islam in society has been a controversial issue for more than two decades. Criticisms of multicultural policies were raised by different public intellectuals and politicians, and gained considerable support with the emergence of political populism. The progressive Dutch national culture is construed as distinct from Islam as its other, leading to a "culturalization of citizenship" (Duyvendak et al. 2010). Furthermore, the place of religion in society is undergoing a process of general revision. In public-political debates individual rights and 'universal values' tend to be placed above religious rights, and secularism is acquiring the features of a progressive project (Schuh et al. 2012). All these factors, especially the changing notions of integration, citizenship and secularism, affect the position of Islam.

The aim of this chapter is to track the shift from a traditionally pluralistic approach towards religious and ethnic minorities to the affirmation of progressive values and new patterns of diversity (Uitermark and Steenbergen 2006) by discussing policy changes, judicial decisions and the dynamics of and within Muslim communities. First I give some basic information about Muslims in the Netherlands, as well the institutionalization of Islam within a pluralistic framework. Then I sketch how this pluralistic approach has been abandoned from the 1990s onwards, followed by an overview of the main changes and conflicts that have resulted. The fifth section provides a brief note on changes and dynamics among Muslims. Finally I discuss the role of politics and the courts in shaping the place of Islam. The chapter focuses on Moroccan and Turkish Muslims. As recent contestations about multiculturalism and integration have affected Muslims less as religious subjects than as (often) non-Dutch citizens, developments in integration and immigration policies are also covered.

## 2 Muslims in the Netherlands

Muslims constitute about 5 % of the Dutch population. The great majority are descendants of the labor migrants who were recruited to the Netherlands in the 1960s and 1970s, or who migrated through family reunification programs. As a consequence the great majority (68 %) of Muslims are of Turkish or Moroccan descent. A much smaller group of Muslims comes from Surinam, a former colony of the Netherlands. More recent Muslim immigrants have mostly come as political refugees from Afghanistan, Iraq, Somalia and Iran. In addition there are about 40,000 Muslims from Western countries and about 13,000 native Dutch Muslims.<sup>1</sup> (Maliepaard and Gijsberts 2012, p. 44 f.) Distributions of ethnic minorities differ greatly between regions. In the four biggest cities, Amsterdam, The Hague, Rotterdam and Utrecht, about a third of their inhabitants belong to a non-western minority, and in Amsterdam and Rotterdam they make up about half of the youth population (Forum 2008, p. 7).

Not only are most Muslims in the Netherlands of Turkish or Moroccan background, almost all Dutch people of Turkish or Moroccan descent consider themselves Muslims. The great majority of Muslims in the Netherlands adhere to Sunni Islam. Among Turks about one-sixth are Alevi, a religious denomination that also has adherents among Surinam Muslims. Moroccans predominantly adhere to Sunni Islam, with Salafiya groups attracting some of the younger Moroccans. The figures for religious practice are somewhat lower (Maliepaard and Gijsberts 2012, p. 14, 18, 40–47; Forum 2008, p. 12 f.). Interestingly, in terms of frequency of religious practice, Muslims in total do not differ dramatically from Catholics or Protestants. Rather, it seems to be the overlap of religious and ethnic identity which creates a contrast with a native Dutch majority, two-thirds of whom have left the church, with 40 % being considered agnostics or atheists (Bernts et al. 2007, p. 16, 40). Demant et al. (2007, p. 15) write: ‘Islam seems to play a key role in the reinvention of ethnic identities, especially for younger generations of Moroccans. (. . .) Islam is not only (re)valued as religion and as a set of religious beliefs, but also valued as an identity marker. Religion and ethnic identity markers thus set Muslims apart as a somewhat separate community. Identification as a particular ethnic

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<sup>1</sup> This category refers to Muslims whose both parents were born in the Netherlands since they are considered *autochtoon* (native). The opposite term *allochtoon* is used for people who have at least one parent born abroad, regardless of formal citizenship. The category of ‘non-western *allochtoon*’ is used for people with a background in Africa, Latin America, Turkey or Asia (with the exclusion of Japan and Indonesia) <http://www.cbs.nl/nl-NL/menu/methoden/begrippen/default.htm>.

community does vary between immigrant generations or according to educational level (Forum 2008, p. 16), though in general interethnic contacts have tended to decline, at least between 1994 and 2011 (Huijnk and Dagevos 2012, p. 13). Immigrants of Turkish descent especially constitute a somewhat closed community, with one-third never interacting with native Dutch people (Forum 2008, p. 16). Immigrants of Moroccan origin have more contact with Dutch natives. In the largest cities, 66 % of native Dutch youth have non-western friends. Moroccans and Turks are perceived as a somewhat problematic group, partly because of their comparably low educational and socio-economic standing, lower average incomes and higher unemployment rates. Youth unemployment especially is much higher, standing at 20–26 % among Turks and Moroccans compared to 9 % among native Dutch (Forum 2008, pp. 21–27). The comparably low socio-economic standing of Muslims plays into debates about the right to religious self-organization and thus affects the place not only of Muslims in the Netherlands but also of Islam.

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### **3 Multiculturalism, Pluralist Secularity and the Institutionalization of Islam**

With some variation, all the literature stresses the pluralistic features of the Dutch integration regime (Koopmans et al. 2005, pp. 151–164, 239–249; Entzinger 2006; Rath et al. 1997; Maussen 2012). Pluralism can be traced back at least to the confessional order that emerged in the Netherlands in the early twentieth century. Until the 1960s many aspects of everyday leisure, but also the welfare state, political representation and especially education, were organized in world view-based institutions that divided Dutch society into four ‘pillars’ (Lijphart 1968; van Dam 2011). Put simply, pillarization entailed the idea of the nation containing diverse groups, each entitled to live separately, yet with equal status. The breakdown of the pillars, the liberalization of lifestyles and the rapid decline of the church fundamentally changed the religious-secular landscape of the Netherlands. In the early 1980s the state started increasingly to cut its financial obligations towards the churches, as confirmed in a constitutional amendment of 1983. This secularization also ended the subsidies previously available for church buildings—for the institutionalization of Islam, an unfortunate timing (Rath 1996, p. 28 f.). Some provisions of the confessional period have nonetheless remained in place and constitute a legal basis for the integration of Islam, above all freedom of education, which has constitutional status. Subsidies for confessional broadcasting organizations and confessional spiritual counseling in prisons, hospitals and the military are further examples of this

pluralistic setting.<sup>2</sup> On a very fundamental level, religious affairs are organized by three constitutional principles: Article 1 grants equal status to all people in the Netherlands, and Article 6 guarantees freedom of religion. In addition, legal experts consider the separation of church and state to be a third constitutional principle, understood as the state's neutrality towards religious affairs. Based on the equality principle, the arrangements concerning Christians were opened to other religious groups, and the integration of Islam partly followed the paths set out by the Jewish community and the humanist movement (Rath 1996, p. 29, 35, 42, 46, 85 f.).

Given that Muslims are mostly immigrants and their offspring, their position in society is equally determined by integration policies, including citizenship rights. For long migrants from the Mediterranean were expected to re-migrate, and it was only in the early 1980s that the Dutch government developed a coherent policy towards what were then labeled "ethnic minorities". Integration policies regarded the self-organization of migrant groups as the key to their emancipation and successful integration and encouraged them to retain their cultural identities, with religion (meaning Islam) being perceived as an essential part of migrant culture<sup>3</sup> (Maussen 2012, p. 345; Rath 1996, p. 28). Maussen (2012, p. 345) states that the expectation that minorities' feelings should not be upset also echoed confessional pluralism.

In the early 1980s legal changes were introduced in order to encourage political participation and to raise the legal status of migrants. Political participation was encouraged by granting local voting rights to non-nationals who had lived in the Netherlands for 5 years or more. Furthermore, a legal procedure to 'opt for Dutch citizenship' was introduced, which did not require one to renounce one's original citizenship, as had been necessary for nationalization since 1985. These laws have been repeatedly changed (van de Beek et al. 2010, pp. 16–18), and currently renouncing one's original citizenship is required in most cases.<sup>4</sup> Maussen and Bogers (2010, p. 25) stress that the relatively easy acquisition of political rights and the desire to retain one's cultural identity provided opportunity structures for migrants

<sup>2</sup> <http://www.rijksoverheid.nl/onderwerpen/media-en-publieke-omroep/taken-en-organisatie-publieke-omroep>; [http://almanak.overheid.nl/13120/%28VenJ%29/Landelijke\\_Diensten\\_DJI/Dienst\\_Geestelijke\\_Vorzorging/](http://almanak.overheid.nl/13120/%28VenJ%29/Landelijke_Diensten_DJI/Dienst_Geestelijke_Vorzorging/).

<sup>3</sup> Whether this can be interpreted as a continuity of pillarization is contested (Entzinger 2006; Duyvendak et al. 2010, p. 3 f.; Maussen and Bogers 2010, p. 25; Maussen 2012, p. 343). Also contested is the question, whether it is adequate to speak of Dutch multiculturalism (Duyvendak et al. 2010, p. 3 f.; Entzinger 2006; Maussen and Bogers 2010, p. 25; Engelen 2008; Vink 2007); the pluralistic nature of Dutch dealings though are not by principle disputed.

<sup>4</sup> Rijksoverheid: 'Hoe kunt u Nederlander worden?' <http://www.rijksoverheid.nl/onderwerpen/nederlandse-nationaliteit/documenten-en-publicaties/brochures/2012/02/20/hoe-kunt-u-nederlander-worden.html>.

in making demands. Given the existing pluralistic frame, most demands for group rights in the Netherlands were “parity claims” in the sense that they fitted the already known pattern of religious institutionalization (Koopmans et al. 2005, p. 159, 161). As Rath et al. (1997, p. 3) put it, there were only a few red lines, such as female circumcision or polygamy—demands rarely made by migrants. One of the first issues in integrating Islam was the provision of prayer facilities. Paradoxically this coincided with the separation of church and state that was emphasized in the early 1980s (Rath 1996, p. 28 f., 31–33, 33–49). By the time the general provision on subsidies for church buildings had been cut, only one mosque had been built. For an intermediate period thereafter a special regulation allowed financial aid to be granted for prayer facilities for Muslims from the Mediterranean. In the aftermath of the constitutional change in 1983, subsidies for buildings for worship came to be seen as violating the principle of the separation of church and state, yet municipalities still had indirect ways of providing financial support (Maussen 2009, pp. 128–131, 254). Factual responsibility for the construction of mosques remained with the municipalities, and as a result the situation differed between cities (for Rotterdam, see Maussen 2009; for a comparison of Utrecht with two smaller cities, see Landman and Wessels 2005). Currently there are some 465 mosques in the Netherlands, the great majority of them Turkish or Moroccan (Maliepaard and Gijsberts 2012, p. 43). Most mosques belong to Muslim umbrella organizations.

The institutionalization of Islam in many cases required self-organization in order to create contact partners for the Dutch government (Maussen and Bogers 2010, p. 25). Partly religious organizations were integrated into the national representative structure for ethnic minorities, which was not always appreciated by secular migrant organizations (Rath 1996, pp. 69–77). According to the overview of Muslim organizations by van Heelsum et al. (2004), Turkish Muslim organizations can be divided into three main groups. The largest group contains organizations related to the Turkish religious ministry or Diyanet, with which most mosques are also associated. The main umbrella organizations are the Federal Turkish Islamic Cultural Foundation (Stichting Turks Islamitisch Culturele Federatie, TICF<sup>5</sup>) and the Netherlands Islamic Foundation (Islamitische Stichting Nederland, ISN), which cooperate in the Turkish Hollanda Diyanet Vakfı (HDV). The second large cluster of organizations belongs to Milli Görüş, which is organized into a Northern and a Southern branch. Currently the Dutch Mosque Council (Raad van Moskeeën Nederland) represents both Diyanet and Milli Görüş mosques. Furthermore, the Süleymanî movement is represented by the Dutch Islamic Center Foundation (Stichting Islamitisch Centrum Nederland, SICN). Alevi are organized in the Federation of Alevi

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<sup>5</sup> Translation of organization names: C.S.

and Bektashi Social-cultural Associations in the Netherlands (Federatie van Alevitische en Bektashitische social-culturele verenigingen in Nederland, HAK-DER). The most important Moroccan Muslim organization is the Union of Moroccan Muslim Organizations (Unie van Marokkanse Moslim Organisaties, UMMON), traditionally close to the Moroccan king (van Heelsum et al. 2004, pp. 7–17). In addition there are a number of mosques fostering different forms of Islamism (van Heelsum et al. 2004, p. 14 f.).

Various initiatives were launched for umbrella organizations. In the early 1990s the Dutch Islamic Council (Islamitische Raad Nederland) and the Dutch Muslim Council (Nederlandse Moslimraad) were founded, the latter representing a number of smaller Islamic groups as well as women's organizations (van Heelsum et al. 2004, p. 4). Since 2004 the Muslims and Government Contact Organ (Contactorgaan Moslims en Overheid, CMO) has been the official dialogue partner of the government, uniting different ethnic umbrella organizations, including a Shia organization. It does not include Alevi or Ahmadiyya groups, which are organized in a second organization, the Islam Contact Group (Contactgroep Islam) (Forum 2008, p. 14). When the Alevi organization was excluded from the CMO, it also started making ties with organized humanism and is now also part of the Humanist Alliance (Humanistisch Alliantie), the humanist umbrella organization (Groen 2003). As far as party politics are concerned, the self-organization of Muslims has not been very strong (Rath 1996, pp. 69–77), and despite the somewhat pluralistic approach towards integration, no 'Muslim pillar' with its own political parties has emerged. Voters with Moroccan and Turkish background predominantly opt for left parties, the Social Democrats, the Greens, D66, and the Socialist Party; but also the more liberal party D66 is increasingly supported by this share of the Dutch electorate (Forum 2010, 5; van Weezel and Broer 2014). In the local elections of 2014 different Muslim Parties could also claim between 1,3% and 4,8% of the votes.

Also crucial for religious self-organization is the education of imams. Most imams are trained outside the Netherlands. Those working in Diyanet-related mosques are paid for by the Turkish state. Milli Görüş also hires imams from Turkey, partly trained in Arabic-medium academic institutions like al-Azhar University. Moroccan mosques hire their imams through informal networks. Especially since the 1990s, the foreignness of imams came to be seen as an obstacle to integration, and the Dutch government developed plans for their training nationally. One further reason was the state's interest in Muslim spiritual counselors (Imamopleidingen 2003, p. 13, 15 f.). A program for imam training was set up at university of applied science (Hogeschool InHolland), but it will close in 2018 due to a lack of students (NOS 8.2.2013). Initiatives for imam training in autonomous institutions have existed since the end of the 1990s. The Islamic University of Rotterdam,

founded in 1998, offers a Bachelor's degree in Islamic theology and a Master's in spiritual care.

Religious concerns like Islamic dietary rules and holidays (except for Ramadan) were accommodated in state institutions like the military, prisons and the public service (Rath 1996, pp. 43–45). In 1984 the High Court ruled that Islamic holidays would not be officially recognized, but applications for leave had to be accepted in the absence of serious objections and if made in due time. Since 1986 there has been some Islamic broadcasting. According to the media law of 1984, the state is funding broadcasting on a religious or world-view basis, which means that broadcasting organizations representing a religious group can apply for such funding.<sup>6</sup> Islamic broadcasting organizations have faced difficulties in establishing a single organization that is representative of all Dutch Muslims. Competition between organizations, mergers and dissolutions has shaped the past. Currently the Muslim Broadcast (Moslim Omroep, MO) provides a weekly program lasting 50 minutes. The liberal government has decided to abolish confessional broadcasting by 2016.<sup>7</sup> The MO will then merge with a larger public broadcasting organization profiling minority issues, culture and education (De Wever 2013; Trouw 2010).

Regarding Islamic slaughtering, existing provisions connected with the Jewish community could be adapted. In the 1960s there were a number of court cases against Muslims for slaughtering animals at home at the feast of sacrifice. A temporary compromise allowed ritual slaughter in specific slaughter houses around the holiday. In 1977 Islamic unstunned slaughtering was legalized together with Jewish practice (Havinga 2008, p. 213). Yet, criticism of ritual slaughtering has repeatedly been voiced in the name of animal rights and has recently found a strong supporter in a Dutch animal rights party.

Like the issue of slaughtering, accommodating circumcision for boys was not a great challenge, as the practice was already known from the Jewish community. In addition, within the medical community circumcision was widely held to be more hygienic (Rath 1996, p. 42 f.), and until 2005 the procedure was even paid for by Dutch health insurance. Since then circumcision has increasingly moved to specialized clinics which can operate at lower costs and require shorter hospital stays (Bouma 2005).

With regard to education, two issues are relevant: the establishment of Islamic educational facilities, and the provision of religious education in regular schools.

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<sup>6</sup> [http://wetten.overheid.nl/BWBR0025028/Hoofdstuk2/Titel22/Afdeling224/Artikel242/geldigheidsdatum\\_07-10-2013](http://wetten.overheid.nl/BWBR0025028/Hoofdstuk2/Titel22/Afdeling224/Artikel242/geldigheidsdatum_07-10-2013).

<sup>7</sup> <http://www.rijksoverheid.nl/onderwerpen/media-en-publieke-omroep/hervorming-publieke-omroep>.

Art. 23 of the Dutch Basic Law obliges the state to fund private schools on an equal basis with state schools. The rights of Islamic schools were recognized in the 1970s, but there was political reluctance to support respective initiatives throughout the 1970s and 1980s (Rath 1996, pp. 51–67). Only since the mid-1990s have there been growing numbers of Islamic schools: 29 in 1994, and 46 in 2006 (Maussen 2012, p. 346). Muslim schools can maintain specific cultural norms such as gender-segregated gym classes (Forum 2008, p. 22). Local governments cannot interfere with the content of teaching or the hiring of teachers, but a certain degree of regulation is nonetheless possible. Especially following the Rushdie affair, making Dutch the required language was meant to control teaching content. Religious education has been an important goal for Islamic organizations. In 1995 the Islamic Pedagogical Center Foundation<sup>8</sup> (Stichting Islamitisch Pedagogisch Centrum) was founded, complementing similar Christian organizations (Rath 1996, pp. 51–67).

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#### **4 Contested Multiculturalism and the Renegotiation of Religious Freedom**

After the 1990s, criticism of pluralistic integration policies started mounting, not least in the wake of international events such as the Rushdie affair and the headscarf debate in France. Islam came to be seen as incompatible with Dutch society and as an obstacle to integration (Entzinger 2006). Frits Bolkestein, a member of the right-liberal VVD, was the first to adopt a position critical of Islam publicly. In 2000 Paul Scheffer (Scheffer 2000), a member of the Social Democratic Party, published an article in a leading newspaper entitled ‘The multicultural tragedy’. The central point of his criticism was that, under the label of culture, an ethnic underclass was developing. Besides, he felt that the cultural otherness of Islam made its presence in the Netherlands a threat to cohesion. His article generated much disquiet and a series of responses in the media.

With the rise of Pim Fortuyn, the debate took a more culturalist turn. Fortuyn warned against the ‘Islamization’ of Dutch culture, arguing that it threatened liberal achievements such as the emancipation of women and homosexuals. Acceptance of homosexuality progressively became the central divide between Islam and Dutch culture, exacerbated by the over-representation of Moroccan youngsters in homophobic violence, as well as several incidents of Muslim homophobia (Maussen and Bogers 2010, p. 27; Hekma and Duyvendak 2011). After Fortuyn’s assassination

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<sup>8</sup> Translation C.S.



others followed in his footsteps, especially Geert Wilders, who even topped the electoral success of Fortuyn's party and entered government between 2010 and 2012. He has carried criticism of Islam to an extreme, regarding it not as a religion but as a political ideology, and asking for the Quran to be banned as a 'fascist book' and for a tax on headscarves. A critical tone against Islam was also present outside the political sphere by, for example, Theo van Gogh, a TV host, publicist and filmmaker who made a short critical movie together with Ayaan Hirsi Ali.<sup>9</sup> His murder by a young Dutch Moroccan Muslim made the existence of radical Islamism in the Netherlands visible. With outbursts of violence against Muslims and mosques in the aftermath of the murder, polarization seemed at its height (Buijs 2009, p. 434 f.).

Many have pointed out the specific dynamic of the multiculturalism debate: the divide between left and right was blurred (Prins 2002), demands for human rights were mingled with right-wing immigration policies (Ghorashi 2003), and people who would normally not hold progressive values were prepared to defend them against Islam (Hekma and Duyvendak 2011, p. 626 f.). In short, liberalism turned intolerant (Maussen and Bogers 2010, p. 28). In debating Islam, the Dutch have adopted a cultural notion of citizenship, a 'process by which culture (...) has come to play a central role in the debate on social integration' and have replaced the focus on socioeconomic participation and rights (Duyvendak et al. 2010, p. 9 f.). It is increasingly hard for Muslims to claim the nation as their own and to identify with being Dutch, a fact itself considered to be an indicator of a lack of integration (Duyvendak et al. 2010, p. 24 f.).

The multiculturalism debate is part of a broader reconfiguration of the place of religion in society. Controversies over religion also focus on native religious minorities, in particular on numerically small orthodox strands of reformed Christianity, who also discriminate against women and homosexuals. In line with recent European legislation (Jensma 2013), such discriminatory practices are increasingly less tolerated. This decline in the plausibility of religion as a particular identity for which exemptions and collective rights can be claimed also affects the position of Islam.

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<sup>9</sup> Hirsi Ali had come to the Netherlands from Somalia and became a well-known public intellectual in the integration debate and a VVD member of parliament.

## 5 Conflicts and Changing Policies Towards Muslims

Recent fault lines regarding the place of Islam in the Netherlands are numerous. Maussen and Bogers (2010, p. 24) distinguish three types of conflict: “(1) the existence of special institutions catering to different ethnic and religious groups (faith-based schools, ethnic organisations) and whether or not these enhance segregation and feelings of alienation between different groups in Dutch society; (2) gender and sexual equality; and (3) free speech and its limits, especially with regard to vulnerable groups and Islam.” Three types of issue should be mentioned in addition: the tightening of immigration and integration laws; religious symbols and behavior in public or semipublic institutions; and the devaluation of collective religious freedom. Although they do not really fit the categories mentioned above, they nevertheless affect Muslims in the Netherlands.

1. The changing position towards special organizations, the abandonment of multiculturalism and the neoliberalization of government funding has been reflected in changes to subsidies, as Uitermark and Steenbergen (2006, esp. 274, 279, 282 f.) have shown for Amsterdam. Increasingly funding goes to projects directed at the acceptance of homosexuality, refugees or the participation of women with migrant backgrounds. Structural subsidies were abandoned and socio-cultural and recreational activities are also no longer funded. This policy change has affected ethnic groups differently. Turkish organizations were better able to keep their funding thanks to higher social capital and better networks, while Moroccans have been the great losers.

Another example of a challenge to group rights is Islamic schools, which have been a constant focus of political controversy (Rath 1996, pp. 58–62; Driessen and Merry 2006). In Dutch policy, language schools are called either ‘black’ or ‘white’ schools, according to their students’ ethnicity. ‘Black schools’ have a high percentage of children with language difficulties and low social standing. Islamic schools are considered black schools, which is one reason for their problematization. Yet the teaching content and potential foreign influence have also been matters of concern. A recent bill requires school boards to consist of people with Dutch citizenship only, and for schools to outline a plan for integration and adherence of Dutch norms and values, as well as limiting the percentage of disadvantaged students (Driessen and Merry 2006, p. 215).

2. Religion and free speech represent another important line of conflict, with on the one hand religiously inspired statements against homosexuals, and on the other potential discrimination against Muslims. Regarding the first matter, the

case against imam Khalil el-Moumni was crucial. In 2001 the imam referred pejoratively to homosexuality in a television interview. He was put on trial but acquitted. The court ruled that, while the statements that were published were indeed insulting, the context of the interview as a whole qualified them as an elaboration of his religious convictions, a view supported by a professor of Islamic studies. As such, the court found the statements to fall within the law. What also helped was that the imam also confirmed his tolerance of homosexuals (Gerechtshof's-Gravenhage 2002).

A crucial case involving anti-Islamic statements was that launched against Geert Wilders, who in 2007 was tried for inciting discrimination and hatred (Art. 137d) and for insulting a group of people on the grounds of their religion (Art. 137c). The matter was controversially debated within the judiciary (Janssen and Nieuwenhuis 2012). Central questions were whether speech acts as such could be considered discriminatory and whether statements about Islam could be counted as insulting Muslims as a group of people. Following an earlier High Court ruling (Hoge Raad 2009) the bench of Amsterdam ruled that statements only fell under the jurisdiction of Art. 137c when they directly mentioned a group of people, rather than beliefs or practices. Regarding Art. 137d, the court interpreted it as only referring to explicit verbal calls for discrimination and otherwise stressed the importance of free public debate (Rechtbank Amsterdam 2011).

3. The tightening of integration and immigration policies is reflected in new integration courses, which are symptomatic of this development and related to the critical evaluation of the integration process. Introduced back in the 1990s, they now have to be paid for by the immigrants themselves. Basic language tests need to be passed prior to entering the Netherlands. Repeatedly failing the integration test may result in fines and the loss of resident status. Until January 2013 certain immigrants (oldcomers) already living in the Netherlands were also required to take the test (Entzinger 2006, p. 9; Forum 2008, p. 10; BZK 2012). Another example is that since 2004 anyone wishing to marry someone from abroad needs to take into account prolonged waiting periods, the payment of higher fees and the ability to show an income well above minimum wages. The minimum age is set higher than for regular weddings (21 versus 18). Since 2006 the partner has had to learn Dutch abroad and pass an integration test. Figures for partner choice show that the number of marriages with non-Dutch brides has declined tremendously, though a generational effect has been claimed to be the main explanation (Forum 2008, p. 20). The stricter laws have been challenged in the courts, easing the situation for Turkish citizens as well as family reunions (van der Laan 2008).

4. Religious symbols and expressions have become another issue. As in other European countries, the Islamic dress code has attracted criticism. The high percentage of Christian schools makes the Dutch case somewhat special. A court ruling from 1989 exempts Christian schools from claims made on the grounds of religious freedom. Headscarves are mainly problematic in Christian schools. Beyond the sphere of education, headscarves are mainly perceived as problematic if the person wearing one represents the Dutch state. For instance, a law student was denied a position as an assistant clerk for wearing the hijab, and a proactive recruitment strategy adopted by the Dutch police organization allowing the hijab stirred up public criticism (Shadid and Koningsveld 2005, p. 50 f.). In a few cases the Dutch Commission for Equal Treatment (Commissie Gelijke Behandeling, CGB) was asked to decide over headscarves. In these cases, including those involving confessional schools, the CGB often decided in favor of the Muslim women. While it accepted the principle that confessional schools can introduce regulations to protect their identities, it stressed that these measures need to be well argued for and consistent (Oldenhuis et al. 2007, p. 46 ff.; Noorlander 2011). Similar arguments have been made regarding headscarves at work. Also similar was the reasoning in favor of a Muslim teacher at an Islamic school who was asked by the school to wear a hijab but refused to do so (Oldenhuis et al. 2007, p. 48 f.). The decisions of the CGB are not legally binding and are not always supported by the courts. In at least one case the court strengthened the school's position in defining its identity (Noorlander 2011).

The CGB has also had to decide over cases of students wearing face veils in class. In 2000 it decided in favor of girls wearing a face veil in class, rejecting the school's argument that this would hinder communication. However, in 2003 the commission moved away from this position and accepted another school's claim that face coverings prevented open communication in class (Jonkers 2006, p. 489 f.). A similar verdict was given regarding face coverings in courts (Oldenhuis et al. 2007, p. 45). Since January 2013 there has been a ban on face coverings in schools, the nursing profession, public transport and official buildings. Furthermore, police officers may ask women to lift their veils for purposes of identification, and women wearing face coverings are excluded from social assistance (Rijksoverheid 2013). Interestingly, this ban was criticized without effect by the State Council, one of the highest judicial institutions in the Netherlands, though its advice is not binding (Klis 2012).

There were several cases of Muslims who refused to shake hands with people of the opposite sex, which caused conflicts in work settings. Again the CGB decided in favor of the Muslim litigants, but these decisions were partly overruled by courts, which gave more importance to the interests of the institution (Factsheet 2009, p. 4).

5. Religious freedom has also been opposed to the notion of ‘universal’ values. Recently the long-established rights permitting religious slaughter and boys’ circumcision have been questioned. In June 2011 the second chamber voted by a great majority for a ban on unstunned slaughtering in a bill introduced by a small animal rights party. As Valenta (2012, p. 28) points out, the voting was unusual in that left-wing, right-wing and liberal parties jointly supported the ban, while only the Christian parties opposed it. The bill was the climax in a longer ‘halal campaign’ (Valenta 2012, p. 33 f.) led by the animal rights party, which had gained considerable public attention and support. Some months later the bill was rejected in the first chamber, which considered it a disproportional infringement of religious freedom and “the wrong problem” addressed in safeguarding animal welfare (Valenta 2012, p. 27 f.). Most of the secular parties that had voted in favor of the bill now voted against it, or were divided on the issue.

A somewhat similar debate has started concerning religious circumcision. While female circumcision is considered a criminal offense, male circumcision has for long been seen as unproblematic. In 2010 the Royal Dutch Medical Association (KNMG 2010) issued a paper criticizing medically non-prescribed surgery and recommended that doctors should inform parents of the risks involved. They also stated that, even though reasons for a ban similar to that on female circumcision exist, this could be predicted to lead only to less control over practice. Since 2005 circumcision has no longer been paid for by the general health insurance (Bouma 2005).

Despite the slaughtering ban being rejected, it is still an example of a very principled questioning of the purpose and limits of religious freedom. At least for some voices religion has lost its plausibility as something on the basis of which exemptions from general rules can be claimed. The second chamber and legal experts even discussed abolishing Art. 6 guaranteeing freedom of religion, as religion was already sufficiently protected by general civil liberties (Trouw 16.9.2011). Even if this position were not to win a majority, it still shows a discursive tendency to challenge the special status of religion for the sake of individual freedom and universal values.

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## 6 Representing Islam

Islam itself, of course, is also undergoing constant changes. The traditional authorities can only partly satisfy the religious interests of young Muslims who seek orientation, both offline and online (Bowlby and Impelen 2006; Maliepaard and

Gijssberts 2012, pp. 62–64). A study by Yukleyen (2009, p. 306 f.) shows that Muslim organizations are differently prepared to respond to the dynamism within the Muslim community. Groups such as Milli Görüş that are active in the public political sphere are especially capable of bridging and attracting young people.

Some Muslim and migrant umbrella organizations are actively engaging with the Dutch government in trying to reform and shape Dutch Islam. The CMO, for example, has played an active role in negotiating the future of Islamic slaughter in the Netherlands. This is the contact body with the government, and it has founded a working group to regulate slaughtering practices and educate appropriate butchers. Another example of the CMO's activities is lobbying for the recognition of Islamophobia as a specific category in discrimination research. Another organization, the Dutch-Moroccan umbrella organization (SMN), offers professional training as an empowerment strategy and stages programs against homophobia and forced marriages.

The integration debate in the Netherlands has also been a stage for Muslim reformers and critics. Ayaan Hirsi Ali, a refugee from Somalia and a former prominent member of the Dutch parliament, was central in drawing attention to misogynic practices before she was tragically almost stripped of her Dutch citizenship and migrated to the United States (Hirsi Ali 2004; Maussen and Bogers 2010, p. 23). Some politicians, intellectuals and Muslim reformers have cooperated in progressive Islamic projects, sometimes underestimating diversity, tensions and resilience within Muslim communities, the complex transnational dynamics, and the pitfalls of political rivalry. Not only in the case of the Westermoskee did this come with high costs. Another case was that of Tariq Ramadan, who had been hired by the city of Rotterdam as an advisor for integration to help bridge the divide between Muslims and non-Muslims. He was also offered a visiting chair in 'Identity and Citizenship' by Rotterdam University. After an initial public scandal involving allegedly homophobic statements, Ramadan's involvement in an Iranian TV show caused enough outrage to bring the visionary project to an early end. The university hastened to cut ties with Ramadan, a step the latter successfully challenged in court.

Some politicians with an immigrant background have also adopted a public role as spokesmen and visionaries of a progressive and proactive Islamic modernity. One example is Ahmed Marcouch, a social democrat and office holder in Slotervaart, Amsterdam. Marcouch suggested that the annual gay parade should start from this multicultural neighborhood. Uitermark has described such spokesmen as 'moral leaders', quoting Marcouch: 'The Dutch no longer know how to moralize; this is the result of an individualizing society. But we have to say what is proper, put forward what is right' (Ham and Uitermark 2007, p. 2).

Yet, the critical climate directed at Islam leaves its marks. While only a small Muslim minority sees Islam and a Western lifestyle as incompatible, a great majority of Turkish and Moroccan Muslims find Dutch society too negative about Islam. According to a study in 2009, about half of Moroccan and Turkish Muslims say they are scared of anti-Muslim violence. It is above all highly educated Muslims who perceive the Dutch social climate as negative and discriminatory (Maliepaard and Gijsberts 2012, p. 151). Buijs (2009, p. 425 f.) writes with regard to Moroccans: “A new situation materialised when Moroccan Muslims declared themselves en masse to be against extremism and violence following 11 September 2001, and especially after 2 November 2004,<sup>10</sup> but nonetheless felt assailed by mistrust. (...) the feeling is spreading among Dutch Moroccans that they are an unwanted and even a threatened religious and/or ethnic community.”

Vellenga and Wiegers (2013) have analyzed how Muslim organizations have reacted to ‘criticism of Islam’. The Union of Moroccan Mosques in the Netherlands (UMMON), for example, adopted a strategy of public dialogue and interreligious networking. When Wilders’ movie *Fitna*<sup>11</sup> was released, they organized a joint trip to Cairo together with the Shiite umbrella organization and Jewish and Christian groups. The mission was aimed at preventing a potential boycott of Dutch goods. Dialogical outreach was also fostered by Dutch policies, and the government officially distanced itself from the movie. The ISN, affiliated with the Turkish Diyanet, disapproved of UMMON’s international outreach activities, which left it to individual citizens to file complaints, take legal action or react with other forms of civil engagement, thereby stressing their observance of the democratic rules of the game. The NIF, also belonging to Milli Görüs, opted for legal measures. Together with other religious and anti-racist organizations they started protesting against Geert Wilders not so much in order to win, but as a conscious decision to choose the legal sphere as the preferred arena of conflict (Vellenga and Wiegers 2013, p. 9). Other organizations like the international Gülen movement, the Ahmadiyya organization or the SICN showed little response, mainly because they did not feel themselves to be a target of the criticism. The main Alevi organizations, as well as the Al-Nisa organization for Muslim women, adopted a more ambivalent position, as they partly agreed with the critics of traditional Islam. Al-Nisa distinguishes between religion and culture in its negotiating positions, while the former refrained from making public statements. Al-Nisa has further staged several campaigns against Wilders and sought to instill a more diverse image of Muslim women.

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<sup>10</sup> The day Theo van Gogh was murdered.

<sup>11</sup> Wilders’ brief film, linking Quranic verses to different forms of violence in Islamic countries, caused much national and international controversy.

Numerically small, yet an issue of concern, are Islamic radicals and radicalization. According to the Dutch security service, in the past several mosques in the Netherlands have been associated with jihadist activities (AIVD 2009, p. 5). More recently, though, Salafi mosques have started actively to reject violent jihadism (AIVD 2009, p. 7), though they remain a concern regarding their allegedly separatist and homophobic views. The Dutch government has taken measures to decrease subsidy options for such mosques (AIVD 2009, p. 7 f.).

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## 7 Discussion

Societies differ in their degree of openness towards integrating immigrants, granting citizenship and political rights to newcomers, and recognizing distinct collective identities (Koopmans et al. 2005). Integration regimes and secular orders (Wohlrab-Sahr and Burchardt 2012) have developed from national histories, including those of religious conflict. The institutionalization of Islam in the Netherlands began at a time when opportunity structures for claiming collective rights were comparably greater. The granting of political rights encouraged demands to be made, and the pluralistic goals of past Dutch integration policies were taken up by migrant spokesmen in creating representational structures. More recently acceptance of religious and ethnic collective identities other than that of the Dutch secular majority is decreasing. Demands to adapt to the progressive secular majority are being made towards native minorities as well as Muslims. As much of this is still in the making, a final assessment of the changing place of Islam is not easy. Freedom of education, for example, cannot easily be changed because of its constitutional status. Collective rights are being challenged but seem to be upheld when conflicting ethics are not firmly established (animal welfare), or when the practice in question is so popular that a ban is seen as undermining controllability (circumcision). Also, forms of collective representation are still sought by the state. But the emphasis on individual rights and the protection of vulnerable minorities within minority groups remain strong. Allocations of funding and educational programs are both being used to shape Dutch Islam.

Labor migrants not only brought a new and global religion to the Netherlands, they were also foreign nationals. Hence the formation of a Dutch Muslim community mirrored the tensions and dynamics within their countries of origin. Recurrent evidence of transnational mobilization, as in the case of the Rushdie affair, or the more recent cases of Muslim youngsters fighting in Syria have revealed the power



and danger of such ties. An example of the state reaching out over its national borders is a law passed in 2013 making genital mutilation carried out in another country punishable if the victim is a resident of the Netherlands (Wetsvorsteel 2011). The Dutch stance towards the transnational dimension is not always consistent, for example, when politicians tried to exploit the idea of a global *umma* by asking Tariq Ramadan to solve local problems, while at the same time fearing his relations with Iran. The priority seems to be not a strict application of a principle of separation, but the commitment to individual liberty and a notion of modern progressivism.

The strategies pursued by Muslims in making demands have ranged from protest to political and public advocacy to legal activism, strategies that have had different degrees of success. In the case of the Westermoskee, the pro-dialogue orientation, the professional and transparent profile and avowed progressiveness were the key to finding open ears. The courts have also been an arena for channeling conflict. A study of the Westermoskee case highlights the positive effect of legal conflict. The very fact that Milli Görüs could claim rights and actually win cases against the municipality increased trust in the Netherlands as a nation observing the rule of law (Janssens and Halfman 2013, p. 31). With respect to the issue of free speech, however, the function of the law in conflict resolution has been criticized as lacking consideration for the fostering of social cohesion and the resolution of civil conflict (Jonkers 2006, p. 474).

The role of the courts is not easy to assess, given the complex judicial structure. A general question for judges in rulings on freedom of religion is to define and use the notion of religion (Koenig 2010, p. 155). Dutch judges are rather reluctant to decide what should be considered a religion<sup>12</sup> (Jonkers 2006, p. 484). Remarkably in the el-Moumni case this did not stop the judge from consulting an expert to assess whether the imam could legitimately base his homophobic statements on the Quran (Jonkers 2006, p. 484 f.). Conflict over the scope of religious freedom has led to jurisprudential debates on whether freedom of religion is necessary. Given the fact that most rights, such as freedom of conscience, speech or self-organization, were general rights, freedom of religion was seen by some as giving double protection to the religious (Jonkers 2006, p. 486).

Looking at the rulings on religious symbols and symbolic practices, it seems that a shift away from multiculturalism can be noticed in politics as well as in the law. Yet, in important ways politics appear to be the driving force behind this shift.

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<sup>12</sup> The principle of interpretative restraint was established in a court ruling in 1957. A judge had assessed a Muslim father's demand that his daughter be excused swimming classes by consulting the Quran. A higher instance found this interpretative act to lie beyond the court's competence.

Three points can be made in this connection. First, in the case against Wilders the importance of the public debate was emphasized, and the court implicitly declared the debate on Islam, as well as its tone, to reflect political and social responsibility. Secondly, regarding the banning of the burka, the state council's advice was simply ignored. It is a particularity of the Dutch judicial system that there is no proper constitutional court. The High Court, which could be regarded the highest court in the Netherlands, can be challenged by the State Council, which advises the government in legislative procedures (Huls 2012). Thus the former is not entitled to test legislation, while the latter can only provide non-binding advice. Thirdly, the issues of greatest relevance to Muslims, namely slaughtering and circumcision, are not dealt with at the legal level.

European and international law, including that on religion, is of great importance, as all Dutch courts are entitled to base their judgments directly on it (Jonkers 2006, p. 477). However, European jurisprudence does not enforce a specific secular order but grants a margin of appreciation to nation states, which often limits the chances for cases of religious freedom to be heard. In the case against Wilders, the court further limited the scope of jurisdiction for discriminatory speech beyond European standards. In opposition to some European rulings, the aspect of offending religious feelings has been declared irrelevant in forming judgments (Jonkers 2006, p. 487).

The aim of this chapter has been to trace a shift in the Dutch approach towards Islam from the pluralistic policies of the 1980s to the current affirmation of progressive rights and active integration, and to assess the role of politics versus law in this shift. It seems that, with certain exceptions, criticism of Islam is not leading to stringent attempts to separate state and church or to ban religion from the public sphere. Rather, the place of Islam is weighed against certain strong features of Dutch society, such as the remains of the pluralist tradition and the concern for individual rights, free speech and public debate. A renegotiation of tradition and values is, of course, also taking place among Muslims. What aspect Dutch Islam will assume in the future remains to be seen.

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# Islam in Contemporary Portugal

Luís Pais Bernardo

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## 1 Introduction

The accommodation of Islam in contemporary Portugal closely follows three historical processes: imperial cycles, migration fluxes and secularization. While related, each process has produced different outcomes. The Portuguese imperial cycle, which is traditionally framed by historians as lasting from 1415 to 1974, is increasingly recognized as one of the major determinants of contemporary Portuguese politics and society (e.g., Barreto 1995, 2005). Migration fluxes are partially an effect of the former, as shown by a brief analysis of Muslim community demographics. One other feature is also important in this regard: migration inflows have occurred at a comparatively late stage, especially when Portugal is compared with other Western European countries, and have had an important effect on the homogeneity of the religious field. Secularization and its related concepts (e.g. secularity/non-secularity or post-secular), even taking into account its essential contestedness as a theory and empirical phenomenon, is important insofar as it locates the religious field within Portuguese society and both the State and religious traditions as actors within a defined set of social and political relations.

Following these three streams, Islam as a religious tradition and Muslims as political actors become an important topic in the analysis of contemporary State-religion relations and the religious field in Portugal. This chapter is arranged as follows: first, an overview of the religious field and State-religion relations sets the landscape in which Islam and the integration/accommodation of Islam have evolved; second, a discussion on Portuguese institutional responses to the (re)emergence of Islam;

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**Table 1** Religious Groups in Portugal. (Source: Portuguese National Statistics Institute, Census 1981, 1991, 2001 and 2011)

Year/ Tradition	Roman Catholic	Ortho- dox	Protes- tant	Other Chris- tian	Jewish	Muslim	Other non- Chris- tian	Not reli- gious	No answer
1981	6,352,705	2564	39,122	59,985	5493	4335	3899	253,786	1,114,615
1991	6,524,908	11,319	36,932	79,491	3519	9134	9455	225,334	1,476,748
2001	7,353,548	17,443	48,301	122,745	1773	12,014	13,882	342,987	786,822
2011	7,281,887	56,550	75,571	163,338	3061	20,640	28,596	615,332	744,874

third, a discussion on the responses and modes of adaptation of Muslim communities to host country institutional activity; fourth, a final section with concluding remarks on the usefulness of current theory towards explaining patterns in the integration/accommodation of Islam in contemporary Portugal.

## 2 The Portuguese Religious Field and State-Religion Relations. Islam in Contemporary Portuguese Politics and Society

In the literature on the sociology of religion, Portugal is traditionally taken as a majority Roman Catholic, late (if at all) secularizing society; mainstream typologies on State-religion relations put the Portuguese polity either between the separatist or the concordatarian types (Madeley 2009; Minkenberg 2003, 2007, 2008). The former is scarcely debatable: survey data of various origins show Portuguese respondents as majority Roman Catholic (Census data available in Table 1). The Portuguese religious field is historically determined by the dominance of Christian traditions and the most important issues facing religious diversity in nineteenth and twentieth century Portugal have had to do with Protestant churches rather than non-Christian traditions (Vilaça 2006, 2008; Teixeira 2012). This remark is relevant because this dominance has seemingly structured the religious field towards favoring Christian traditions while not explicitly excluding non-Christian traditions; only when the religious field faced pressures stemming from migration inflows did this dominance become evident and later contested. This increasingly contested dominance was further questioned by another pressure point created through migration inflows: charismatic neopentecostalism, especially strong among Brazilian and West African



migrants, created a Christian challenge to the traditional structure of the Portuguese religious field (Vilaça 2006; Teixeira 2012). In the late 1980s and throughout the 1990s, we argue that Islam or other non-Christian traditions were scarcely visible in the Portuguese public sphere partially because the religious field went through several reconfigurations; while it has been argued that the so-called “invisibility of Islam” in Portugal, lasting from the mid-1980s to the late 1990s, was a result of intra-community strife (Vakil 2003a, b, 2004, 2005; Tiesler 2001, 2005, 2007), the alternative explanation advanced in this study is at least as credible and less biased towards the agency of a single tradition. The so-called “invisibility” phase is as much a result of Muslim communities in Portugal choosing to remain outside the public sphere as a result of the recomposition of the religious field in response to migration inflows that resulted in increased religious diversity and an increased contestedness of Christian dominance, especially Roman Catholic, by non-Christian traditions but also by Christian traditions. Indeed, the thesis on the purported “unconscious public marginalization of Islam” in Portuguese society only holds if (a) we take Islam as a religious tradition disembedded from the religious field, which it is not, and (b) we reduce the public sphere to the mediascape. Muslim representatives have worked within institutions for 2 decades and Islam is neither discriminated differently from most other religious traditions (if anything, it holds a more solid position than several other religious traditions) nor are issues around which Muslims might mobilize disregarded by institutions and agents. Unlike other cases presented in this volume, challenges to the *status quo* in the field have never come from Islam; other non-institutionalized traditions have performed that role with very high public salience.

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### 3 The Portuguese Religious Field: Overview and Trends

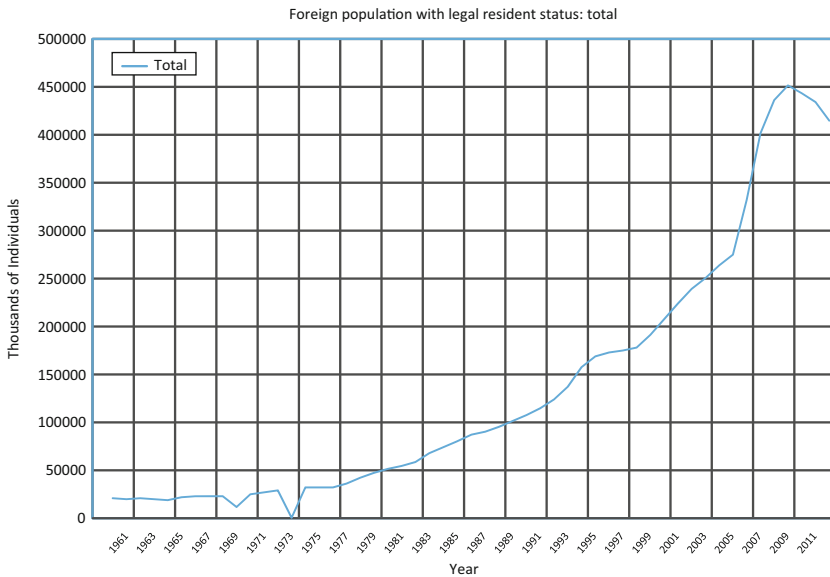
Following the previous discussion, we specify the three axes around which the Portuguese religious field and its actors revolve. In Table 1, we present a Census-based overview. First, confessional homogeneity; second, Christian dominance and dynamics; third, late-modern pluralization as a result of migration patterns and societal change. These axes are not exclusive; as argued below, the politics of religion weigh heavily on the structure of the field and its dynamics.

Portugal is generally perceived as one of the most homogeneous societies in Western/Southern Europe as regards ethnicity and religion. This extends from national identity to religious belonging and multiple longitudinal surveys seem to confirm this. Religion is conflatable here with Roman Catholicism: in effect,

Portugal and Poland, in strikingly different ways, are similar in the preeminence of a single religious tradition and its linkages to perceived national identity (Sobral 2012; Trindade 2008). Further, the institutional history of the Roman Catholic Church, namely its territorial dispersion, its proselytization strategies and its relationship with the political sphere, frame much of Portuguese political history as late as 1974–1976 (Santos 2005; Carvalho 2013; de Matos 2011).

The contemporary Portuguese religious field revolves around this dual role of Roman Catholicism and the cumulative effects of its legacy. This is the first axis on which the Portuguese religious field revolves. It is important to understand the position of Islam in the Portuguese religious field because, as a contemporary and newcoming actor, Islam has had to deal with Roman Catholicism as a cultural and political gatekeeper (Bernardo 2010). In this sense, contemporary Islam in Portugal has taken a specific shape partially as a result of challenges and questions posed by the State as well as Roman Catholicism and, to a lesser extent, by other religious traditions.

The second axis we mentioned, Christian dominance and dynamics, derives from the simple demographic observation that the largest religious traditions in Portugal are Christian. Below, we discuss the impact of migration patterns on the religious field, which is observable especially in the increased number of Christian religious traditions. Here, we make two points. First, the Portuguese religious field is structurally biased towards Christian traditions. These traditions have been dominant in the Portuguese religious field for centuries and Christian communities are the most sizable today. We see this in the role played by numerous Protestant traditions and individuals throughout the twentieth century, especially during the 1910s and from the 1980s on. While a complete study of religion and public policy in Portugal has never been done, Protestant traditions have clearly exerted influence in politics to a larger extent than other traditions; the emergence of neopentecostalist churches, from the 1980s on as both a result of the emergence of New Religious Movements (Vilaça 2006) and the above-mentioned transition in migration patterns (Mafra 2002), has further played upon this dynamic by inserting a modicum of conflict into a traditionally uneventful set of patterned relations (Vilaça 2006, 2008). Interestingly, the emergence of so-called non-historic churches within the Christian sub-field seems to have stirred historic churches into more assertive action; the 1980 Act on the regulation of religious care in healthcare provoked a little-seen protest response by Protestant churches. Today, Protestant churches, Orthodox churches and charismatic non-historical churches occupy an increasing space in the religious field, not altogether devoid of conflict over dominance over the non-Catholic Christian subfield. This secondary dominance and dynamic should not be



**Fig. 1** Foreign population with legal resident status: total. (Source: Portuguese National Statistics Institute/Portuguese Aliens and Border Service/Portuguese Home Affairs Department)

overlooked, even if less relevant to a proper analysis of Islam in Portugal than to broader issues of State-Catholic Church relations.

Late-modern migration patterns and their effect on religious pluralization are the third axis we underline as key. Portuguese society has become a so-called “host” society only in the late 1990s, after a post-colonial peak in 1974–1976, as almost a million individuals entered the country following the onset of decolonization. While this peak is important in order to grasp the extent to which Portuguese institutions have had to deal with exogenous shocks, it is the case that migrant inflows became steadily incremental only after 1986, as the country became a member of then-EC and now EU and the Schengen area (Fig. 1). Religious pluralization is linked to this.

Migrant communities brought diverse belief systems into Portuguese society; although, as stated before, there was a historical degree of religious diversity, especially intra-Christian diversity and non-trivial Jewish and Muslim community presence, migrant inflow accentuated diversity to a level that pushed institutions to respond by adapting, on the one hand, and shaping communities, on the other hand. Both responses are significant to the analysis of Islam in Portugal, as discussed below.

Two salient features as regards migrant inflows into Portugal must be underlined: the size of Portuguese-speaking migrant communities and labor migration. The former pertains to the importance of Brazilian, Cape-Verdean and, for the purposes of this study (since Islam is highly significant in Guinea-Bissau), Guinea-Bissauan<sup>1</sup> communities; the latter to class differences among migrant communities, relevant for this study as Muslim communities in Portugal, especially in and around Lisbon, are riven by class differences which appear regardless of religious differences (Shi'a-Ismaili/Sunni).

As regards the prevalence of Portuguese-speaking migrant communities, it is important to note that these communities present high levels of nominal Christian belonging and belief, if one takes levels of subjective religiosity and church-going patterns in countries of origin. This is the case, for instance, regarding Brazil, which presents stable religiosity levels and increasingly plural patterns of belonging. Catholicism is becoming less and less significant and other Christian traditions, especially neopentecostalist, are gaining ground. This is not to say that Protestant churches, evangelical and non-evangelical, do not weigh into the field, as they clearly do. Changes in these patterns and relations translate significantly into migrant community life as religious activities are not only individually relevant but make communities visible, wittingly or not, in the public sphere. Especially so in the case of neopentecostalist churches, which put a high premium on aggressive proselytizing tactics. As stated above, these churches have been important in redefining the Portuguese religious field because they not only bring different conceptions of religion, religious life, community ethics and organization into the fray but also generate responses from all other actors in the religious field. The Roman Catholic Church, in tandem with other religious actors, has pursued a stringent line of exclusion towards these perceived incoming challengers, something that has not happened regarding other Christian traditions and most non-Christian traditions. Shi'a and Sunni Islam are now traditional partners of the Roman Catholic Church in interfaith dialogue and institutional development; the real challengers, from the standpoint of several religious traditions, are these non-traditional churches.

Many of these churches maintain close ties to the Brazilian diaspora and Brazilian pastors; to a lesser extent, this is also the case regarding other churches and migrant communities, namely Cape-Verdean or Mozambican. A standard and convincing answer to the rather aggressive response of the Roman Catholic church and other religious traditions is the following: threat perceptions over the inno-

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<sup>1</sup> It is disputable whether the Portuguese language is prevalent in the Guinea-Bissauan community; however, it is certainly relevant and linguistic skills are relevant in migration integration, as multiple studies confirm.

vative strategies employed by these new organizational forms command action against them. A less instrumental view would state that normative differences over the role and behaviour of religion and religious traditions in society, namely with regard to proselytising and the usage of religious tropes to gain visibility is a more encompassing and convincing explanation: the Roman Catholic church and other more traditional religious traditions hold these new organizations in low regard for their uncompromising stance towards religious field occupation. None of this holds regarding Islam in Portugal, seen today as a non-threatening and sufficiently institutionalized tradition as to pose no significant threat to the stability of the religious field. This is consequential to the analysis of institutional responses to Islam and subsequent feedback by Muslim communities in Portugal, as we discuss below.

The other significant migrant communities pose different questions. East European migrants maintain ties to Orthodox churches, but these ties do not play out in the same fashion as those linking neopentecostalist churches and Brazilian migrants. The question here pertains mostly to labor migration; however, this is also relevant to this study as labor migration has entailed the inflow of West African migrants, especially Guinea-Bissauan and Senegalese, and South Asian migrants, especially Indian, Pakistani and Bangladeshi. As EU funds flowed into Portugal, large public works projects and megaprojects took off that necessitated an increase in unskilled workforce and were facilitated by the emergence of new mobility regimes; moreover, a real estate boom caused a rising need of the similarly skilled workers. The 1998 World Expo in Lisbon and the 2004 European Football Championship are cases in point: there is an observable rise in diversity in the aftermath of these events, adding further to the stable migrant inflow mentioned earlier. This is significant as regards Islam because, for the first time in contemporary history, Muslim communities observed a recomposition in their demographic and class structure. Thus far, we have said little about Muslim communities circa 1970. Having specified the context into which Islam entered Portuguese post-colonial history, we now engage with Islam in Portugal proper.

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## **4 Islam in Portugal: Recent Phenomenon, Deep Legacies**

In contemporary Portugal, Sunni Islam comprises most communities. The Shi'a Ismaili community is an important exception. Reliable data on the demographics of Islam in Portugal does not exist apart from census data, presented in Table 1; estimates from community sources lack validation but have been cited in previous studies. Disaggregated data on Shi'a and Sunni belonging is also scarce; one must

infer from data on nationality and derive estimates based on countries of origin (Teixeira 2012). These sources are insufficient: they do not allow for estimation of the number of Portuguese Muslims and there is no estimate of the impact of non-responses on the actual number of Muslims in Portugal. Moreover, irregular migration is also not accounted for.

Since registered nationals from Shi'a-majority countries comprise a very small minority, there is a case to be made on the dominance of Sunni Islam in Portugal. As an effect of factors detailed below, Muslim representatives tend to be of South Asian ascent, although the bulk of community membership is made up of West African migrants. Also as detailed below, most Muslim communities concentrate on large urban areas, namely Lisbon and Porto, and the Algarve; prayer rooms are spread throughout the country but concentrate heavily in Lisbon. The three most important mosques are located in the Lisbon conurbation—the Lisbon Central Mosque, the Aisha Siddika Mosque in Odivelas and the Laranjeiro Mosque in Almada; most community infrastructures—halal butcheries, informal schools of various sorts, the only Muslim-governed school in Portugal—are also located in Lisbon.

Islam is represented in all institutional settings dealing with the governance of religious diversity and widely accepted as a legitimate religious tradition—indeed, the inclusion of representatives from Sunni communities as well as the Ismaili community is indicative of institutional adaptation and signals the influence of Muslim representatives, which are perceived as important members of Portuguese institutional systems and cogent speakers within Portuguese society. Under Portuguese law, all religious associations have to file for registration under the Religious Collective Entities' Registry, a Justice Department-managed registry governed under the Religious Freedom Act which is clearly engineered to include certain religious traditions (held as historically grounded and having achieved a degree of integration) and exclude others (held as the reverse of the former); associations governed by Muslims and/or operating under an Islamic charter have never been denied registration, which is not the case for all religious traditions. There have been very few instances of open conflict between Muslim representatives and State officials at critical junctures, including the first Iraq invasion (1991), the Balkan war (1992), the events around and after the September 11, 2001 attacks in New York, the events around and after the March 11, 2004 bombing in Madrid, the events around and after the July 7, 2005 bombing in London, the ongoing Israel-Palestine conflict, indicating both a low level of threat perceptions regarding Islam and, to an important extent, the conditional acceptance of Islam as part and parcel of Portuguese society, especially given that Muslim representatives have made little to no demands for

public recognition, either with regard to issues identified by the literature on Islam in Europe as generally most relevant or country-specific issues.

Those conflicts have never reached high media salience and, importantly, have concerned mostly low-intensity events with the Roman Catholic Church. Muslim representatives are traditionally invited to public events, including interviews in media outlets, and State officials recognize at least one mosque—the Lisbon Central Mosque—as a locus of community life, visiting it often enough to garner heightened visibility to the Lisbon Islamic Community.

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## 5 The 1970s

In the 1970s, Muslim communities in Portugal were shaped mainly by three dimensions: imperial politics, class homogeneity and territorial distribution.

Imperial politics is arguably the most distinct feature among those that define Portuguese colonial and post-colonial history. This is far from trivial, and the history of twentieth century Islam in Portuguese-dominated politics shows this. In the 1930s, South Asian migration to Mozambique created a rather distinctive constellation of Muslim communities in an imperial setting; indeed, the first Muslim representatives in Portugal were Mozambican of South Asian descent and these were far from uninfluential representatives; class homogeneity and cultural capital were very high among Muslim communities in Portugal throughout the 1970s and 1980s. The first press agency in post-revolutionary Portugal was headed by the first Islamic Community of Lisbon president, Suleyman Valy Mamede; the first purpose-built mosque in centuries, the Lisbon Central Mosque, was built not only with support from Portuguese institutions, namely the Lisbon city council, but also and decisively, with support from the Pakistani, Saudi and Moroccan embassies, signaling what Jonathan Laurence (2012; also see his contribution to this volume) has coined as an instance of “embassy Islam”, a top-down community implantation. This was not a linear process, as the building of the Lisbon Central Mosque shows: it took 17 years (1968–1985) and a revolutionary process to open the mosque and, at the time, the building was far from completed. There is evidence of bureaucratic stalling from authoritarian institutions still in force in 1968; it took a new city council president and the influence of arabist circles to propel the final steps in completing the process at least to a functional threshold. The picture coming out of this is interesting as it signals the dual character of political influence by minority religious traditions: while the nascent Muslim community was composed

of skilled, educated professionals who were Portuguese citizens and/or spoke Portuguese via imperial politics, it still lacked sufficient political clout to accelerate what was perceived as a turning point in community life. Domestic politics likely played a much more significant role than international politics; however, it is also important to note that the 1973 oil shock and subsequent rise in notoriety of oil-producing Muslim-majority countries, as well as the 1979 Islamic Revolution in Iran, played roles in forcing a reevaluation of post-revolutionary Portuguese foreign policy and a reassessment of domestic stances towards Islam. Where Portugal differed from other countries was in the historical legacy of Islam, a complex and multi-layered issue with many effects, both beneficial and detrimental to the integration of Islam into Portuguese society and politics. This has been detailed by Vakil (2003a, b, 2004, 2005). While linkages between the historical legacies of Islam in Portugal and current institutional responses to Islam are not straightforward, the structure of Muslim communities themselves is partially determined by them. Former and current leadership, fundamentally dominated by individuals of South Asian/Mozambican ascent, is an effect of Portuguese imperial history. These were respected individuals who carried political clout transcending the numerical significance of Muslims in Portugal; this is clearly observed in current structures geared towards the regulation and management of religious diversity.

Class homogeneity is also related to this legacy. In the 1970s, most members of the nascent Muslim community in Lisbon were skilled professionals, proficient in the Portuguese language and influential within a number of important domains, including politics, the economy and media outlets. Community leadership, as stated above, was clearly influenced by this dual homogeneity—ethnicity-wise and class-wise. Both Lisbon Islamic Community leaders, Suleyman Valy Mamede and Abdool Vakil, were perceived as highly influential political entrepreneurs, both in domestic venues and in the embassy landscape, thereby garnering support from several ambassadors from Muslim-majority countries before and after 1974.

Finally, in the 1970s the Muslim community in Portugal very much concentrated in and around Lisbon. As decolonization proceeded and most Muslims were skilled professionals with high linguistic proficiency, their sites of influence were located mainly in the capital city. Today, the consequences of this concentration are still visible: apart from communities in Porto, the second largest city, and in the Algarve, a rather recent host region, most Muslim communities, both Shi'a and Sunni, are located in and around Lisbon.



## 6 The 1980s and Beyond

From the late 1980s, this changed quickly. As migrant inflow patterns changed, so did community composition, although, importantly, leadership was maintained by the same individuals. Moreover, the rise in influence and visibility of the Ismaili community also played a role which has not been clearly understood or put in the context of larger intra- and extra-community change. As mentioned before, the inflow of individuals from at least culturally Islamic backgrounds led to a diversification of ethnicities, nationalities and belief systems. Today, it is no longer the case that South Asian individuals make up the core of communities countrywide. While Pakistani and Bangladeshi individuals represent a relevant share of registered migrants, Guinea-Bissauans are perhaps the most significant community and do make up, if not a majority, at least a very large minority in Muslim communities throughout the country. It is unclear, as of yet, exactly what consequences this might bring as regards community life and leadership, community interaction with other religious traditions or community interaction and negotiation with Portuguese institutions. The later migrant inflow brought heterogeneity into Islam in Portugal on a number of levels in addition to those already mentioned. The important issues of class and linguistic proficiency gain increased relevance: many late-1980s onwards migrants did not and do not come from the same class backgrounds as earlier-arriving Muslims, nor did or do they possess the same linguistic proficiencies. Labor market participation and political influence are questions that remain open. Moreover, the question of geographic dispersion, especially if one takes the Lisbon metropolitan area as a special case, gains further significance as new foci of leadership appear, since the Lisbon Central Mosque is no longer neither the single locus of community life nor the one perceived to concentrate leadership. In the 1970s, to speak of multiple “Islams” or even “Muslim communities” in Portugal was arguably erroneous; today, that is no longer the case. Communities, prayer rooms, mosques and assorted infrastructures (halal butcheries, informal schools, support groups) appear as migrants establish their networks, allegiances and solidarities.

One of the foreseeable consequences of pluralization is the multiplication of opportunities for claims-making: as more individuals enter into host country and society networks, the need to negotiate conflicting views and belief systems could plausibly give rise to conflict around religious tropes. But conflict did not rise; Islam in Portugal is, if anything, comparatively lacking in giving way to claims and Muslim representatives regularly engage in statements reinforcing the perception of non-discrimination and integration. While there is a clear strategic component to this stance, it also connects to the structure of the religious field, as Islam is perceived

to be a legitimate member of corporatist decision-making structures under the aegis of Roman Catholicism and its representatives do not want to endanger their position within the field—the ongoing debate on abortion and same-sex marriage has positioned Muslim representatives clearly in support of the more vocal Roman Catholic Church; moreover, less visible issues within the religious field, namely allocation of public television broadcast slots and spiritual care in public facilities, also indicate a strategic positioning towards the defusion of conflict and maintaining the *status quo*, affirming the dominance of Roman Catholicism while engaging in community reinforcement processes. This addresses the question of claims-making to an extent: there have been few to no claims regarding garments, halal food, prayer observance, prayer halls in working environments, religious education in public schools or other issues usually associated with claims-making by Muslim communities in Western Europe. Issues of recognition have not strictly speaking been dealt with in a pluralistic fashion as in other countries taken as ideal-types in the literature. Corporatist modes of intermediation, stemming from institutional legacies—which have not changed as a response to increased religious diversity—and the pressure of Roman Catholic dominance, have prevented extensive institutional reconfiguration and open challenges involving the above-mentioned issues around which Muslim communities have mobilized in other countries.

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## 7 State-Religion Relations: A Survey of the Literature

We should turn to State-religion relations in order to further specify the conditions under which Islam (re)emerged in Portuguese society and politics. The Portuguese religious field has traditionally been the target of heavy-handed regulation (using the religious economies school's vocabulary) by the State. As several recent studies show, the modern Western European political sphere has largely defined itself against the religious sphere (Katznelson et al. 2010) and the modern nation-state is at least partially a byproduct of the attempt to regulate religious conflict and the arbitrary normative power of religious traditions. This is broadly what happened in Portugal since the mid-1700s. The breakdown of absolute monarchism and, less than a century later, of constitutional monarchism, were related to problems facing the role and position of the Catholic Church in Portuguese society. In 1940, the fascist regime called upon the Catholic legacy to promote a Concordat (Carvalho 2013; Reis 2009), further entrenching the Catholic Church as a pillar of political legitimacy. 61 years later, the Religious Freedom Act enforced constitutional provisions which run counter to several Concordat provisions, necessitating a new Concordat

between the Vatican and the Portuguese State, in 2004, with a complete regulatory overhaul in 2009. As suggested above, we regard these developments as internal to the religious field. The State has operated both as field designer/regulatory authority and as an actor within the field; indeed, this dual role is perhaps better understood as a result of the historical legacy briefly surveyed above. It has had several non-linear consequences that sometimes reinforce each other, namely the number of provisions that protect the entrenchment of the Catholic Church, or, rather, contradict each other, as the unique agreement with the Ismaili Imamat and the continuing unexceptional role accorded to the Ismaeli community within the regulatory system.

In this context, where multi-century Roman Catholic dominance produced a consensus over religious identification, however diminishing that identification might be, State-religion relations in Portugal are not easily matched to existing typologies, be it Bhargava (2011), Chaves and Cann (1992), Ferrari (2005), Fox (2008), Grim and Finke (2006), Kaviraj (2010), Kuru (2009), Madeley (2003), Minkenberg (2003), Soper and Fetzer (2007) or Stepan (2010). Typologies abound in the literature and Portuguese scholars, less well-known to other scholars, have also come up with their own non-comparative labels; hence, “concordatarian separatism” (Souza and Brito 2007), “soft separatism” (Bernardo 2010, unpublished MA Thesis University of Lisbon) and “catholaicism” (Cruz and Correia Guedes 2001) have appeared in Portuguese scholars’ works. These are marginal labels for a number of reasons; as concepts, they do not seem to travel well and do not increase our leverage over the case at hand. These gaps in the literature prevent serious theory development, but three features in Portuguese State-religion relations are relevant for the purposes of this study. First, they are complementary to existing corporatist arrangements; second, they reinforce the power structure of the religious field; third, they defuse attempts to raise issues of recognition by non-Christian religious traditions. From an institutional and legal perspective, state-religion relations have stayed stable from 1975 to 2001. Scholars who focus on these legal arrangements over this period have overlooked changes that occurred on other levels.

Since 1974, the State has acted upon its role as field designer and legal output shows that a difficult balance between the maintenance of existing corporatist arrangements, catering to Roman Catholic interests and the legitimization of new religious traditions has been the goal of decision-makers. The Religious Freedom Act of 2001, the 2004 Concordat, the 2009 regulation of the Concordat and the 2009 exceptional cooperation agreement with the Ismaili Imamat have transformed some components within the existing State-religion relations, to be sure; but the structure itself remains. Whatever the claims made by secularist/laicist sectors in Portuguese society, usually with regard to the non-confessionality prescribed by the Constitu-

tion, a simple survey of every major database clearly indicates that the Portuguese polity is neither confessional, non-confessional, secular, secularist or laicist. At most, it accommodates a civil religion, recognizing special privileges to the Roman Catholic Church. As argued initially by Bellah (1967) regarding the US case, polities with civil religions do not fit neatly into hard categories, but they do not maintain uneasy relations with religious traditions. This view allows us to face welfare subsystems in Portugal, heavily dependent on non-profit provision of social goods, as part and parcel of the welfare system as a whole; indeed, the civil religion arrangement in Portugal allows for the insertion of multiple entry points for newcomers such as new religious traditions, lowering entry costs into the political sphere and facilitating their legitimation. Additionally, this hybridity aids us in explaining why Muslim representatives report little discrimination in public institutions without resorting to purely strategic reasoning: Portuguese institutions are riven with contradictions but these do not stem from a historical unease in State-religion relations. Hence, issues of recognition and legitimation as regards Islam in Portuguese democratic politics have low conflict or challenge potential. For example, while halal slaughter is forbidden under law, it exists on an *ad hoc* basis and challenges to its legitimacy are inexistent. As a recent study shows (Ribeiro 2010, unpublished MA Thesis University of Lisbon), labor disputes on the basis of non-discrimination rarely (if ever) point to Muslim workers disputing employers' discrimination over prayer, Ramadan observance or religious apparel. State-religion relations is surely important in explaining these absences. First, Portuguese State-religion relations assert the historical significance of religious belief in Portuguese society and do not underplay the importance of religion in the Portuguese collective imagination. Second, Portuguese State-religion relations, in striving to keep a balance between corporatist decision-making over religion and the maintenance of Roman Catholic dominance, have shaped minority religious traditions' perceptions and strategies regarding their own public visibility and issues around which to mobilize. Islam is no different than other traditions in this regard: corporatist modes of inclusion under the aegis of Roman Catholicism have shaped Muslim representatives' strategies and discourses in Portuguese public life towards non-confrontation tactics. Other problems, such as a perceived need for lowering threat perceptions, in the wake of moral panics related to supposedly "Islamic questions" (issues framed as stemming from a fundamentalist, anti-women, undemocratic "Islamic essence"), led to accommodationist tactics by Muslim representatives, especially those seeking recognition from the Portuguese State and other religious traditions. As corporatist arrangements, Portuguese State-religion relations also influenced the search for single representatives: the Lisbon Islamic Community and the Ismaili Community were thus rendered legible, according to James Scott's terminology (Scott 1998; Laurence 2012), by the

State and further incorporated in decision-making processes that further defused public claims-making as a reasonable and cost-effective solution to demands for recognition. This is an alternative solution to that identified by Jonathan Laurence, who regards the creation of Muslim councils at the behest of governments as the dominant form of regulation and recognition (Laurence 2012). In Portugal, issues of recognition have taken up the need to accommodate religion as a belief system, religious diversity as societal feature and Islam as a complex phenomenon which is still embedded in a highly regulated field. Investment in corporatist intermediation and representation, in tandem with interfaith action by legitimized religious traditions (Sunni and Shi'a Islam among them), seems to have been the preferred solution in Portugal. In the next section, we further and conclude the discussion on modes of mobilization by Muslim communities in Portugal, issues of recognition and its challenges.

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## 8 Mobilization, Recognition and Challenges

Above, we mentioned the relative absence of salient issues around which Muslims in Portugal may have mobilized throughout the period we consider. Indeed if such mobilizations by Muslims occurred it was not strategically directed towards concessions by public institutions; representatives have joined coalitions, following what we could name the interfaith strategic vector, with other religious representatives around morally divisive issues, such as abortion, same-sex marriage, living wills and informed consent, and specific policy fields, namely healthcare and education. The only issue that generated mobilization was the building of mosques. The Lisbon Central Mosque emerges as the only long-winded, contentious process (from licensing to opening, it went through multiple stages from 1968 to 1985). Apart from these, traditionally contentious issues either do not generate mobilization, generate subdued collective responses with little feedback into the public sphere or generate responses at the institutional level, where there is also little evidence that issues pertaining specifically to Islam are discussed or generate contention. Muslim representatives have only taken public stances as religious representatives alongside other religious representatives. Halal food is not officially provided for in public buildings, while halal slaughtering is illegal under sanitary laws (but those laws have never been enforced); there are no rules regarding garments for public officials; assistance and access by religious assistants in conditioned quarters, such as hospitals, prisons or barracks, is defined under a general regime which accords exceptional, if informal, advantages to Roman Catholic priests, but levels the playing field to other

traditions; moral and religious education in public schools is provided under an informal public-private partnership between the State and religious traditions and, thus far, no class was provided by Muslim communities (only the Baha'i community held a class).

Having this in mind, recognition is clearly a top-down affair in Portugal. And while there is a clear strategic outlook by Muslim representatives in not claiming for rights nor filing complaints under non-discrimination legislation, this is also an effect of the structural configuration of State-religion relations in Portugal and the religious field. Judicial action takes a clear backseat to political processes and institutionalized action through recognized venues; those Muslim representatives who hold seats in institutions seek to gain influence by establishing Muslim communities as legitimate, legible (as per Scott) and non-confrontational members of the religious field.

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## 9 Conclusion

The dual role of State-religion relations and the religious field in the contextualization of Islam in contemporary Portugal has been understated in the literature. The political behavior of Muslim communities in Portugal should be understood in the context of very intense structural determination: Muslim representatives operate within the strictures of corporatist intermediation, a religious field in flux and intracommunity evolution. Migration inflows and the dynamic character of religion in public life, especially within a confessionally homogeneous country where the dominant religious tradition pulls no punches in exerting influence and keep newcomers to the religious field in check, also support a structural interpretation of Islam in Portugal. Imperial legacies, class heterogeneity and the dynamics of the religious field are the key explanatory factors: approaches which focus on political and/or legal opportunity structures do not fully capture how Muslim representatives are constrained in their options as political actors. Moreover, these representatives present their discourse in a way which leads them to seek cooperation with other actors—both State officials and other religious representatives, in order to lower threat perceptions regarding Islam and Muslims. As conclusion, Portuguese institutions have shaped Islam to a large extent.

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# Governing Religious Diversity Amid National Redefinition: Muslim Incorporation in Spain

Avi Astor

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## 1 Introduction and Basic Information

Although Islam had a deep presence in the Iberian Peninsula between the eighth and fifteenth centuries, Muslims have only recently emerged as a substantial religious minority in contemporary Spain. A recent study that combines data on national origins with data on naturalizations estimates that there are roughly 1.7 million Muslims currently residing in Spain, 69 % of whom are foreign nationals (Observatorio Andalusi 2013). Other notable religious minorities include Protestants (~ 1.5 million), Orthodox Christians (~ 500,000), Jehovah's Witnesses (~ 100,000), and Jews (~ 40,000) (Pérez-Agote 2010).<sup>1</sup> Moroccans constitute the largest sub-group within Spain's Muslim population as a result of the geographic proximity of the two countries, as well as historical linkages forged during Spain's colonial endeavors in northern Morocco. In certain parts of the country, there are also sizable Pakistani, Senegalese, and Algerian communities.

While the vast majority of Muslims residing in Spain are of foreign descent, Spanish converts to Islam have a strong and vocal presence in the country. Most are

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<sup>1</sup> Since Spain's constitution prohibits the collection of official data on religious identity, these are rough estimates. The fact that, according to the Observatory of Religious Pluralism, there are 3164 registered Protestant associations and just 1239 Muslim associations suggests that there are actually more Protestants residing in Spain than Muslims (the Observatory's website may be found at: <http://www.observatorioreligion.es/>). This difference may, however, reflect disparities in the level of associational development of each religion.

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associated with the Murabitun movement, a transnational Sufi movement founded by the Scotsman, Ian Dallas. Converts to Islam have played an important role in developing the institutional and organizational structure of Islam in Spain (Arigita 2006). Although their relations with Muslims of foreign descent have improved with time, the two groups have occasionally entered into tension due to conflicting religious ideologies and notions of authenticity, as well as competition over positions of leadership vis-à-vis the state (Dietz 2004; Rogozen-Soltar 2012).

Spain presents a unique context for studying Muslim incorporation not only due to Islam's historical legacy in the Iberian Peninsula, but also because policies governing the accommodation of Islam have been developed amid a profound process of national redefinition spawned by Spain's democratic transition during the late 1970s. In the analysis that follows, I argue that policies concerning Islam in Spain were initially conceived within broader political projects aimed at fashioning a more modern and plural society liberated from the repressive traditions that historically guided the state's approach to regulating religious diversity. This is critical for understanding why significant measures were undertaken to facilitate the accommodation of Islam during the 1980s and early 1990s, despite the fact that there were relatively few Muslims residing in Spain at the time. The measures undertaken during the post-transition period have, in turn, influenced the structure of opportunities available to both state actors and Muslim leaders for responding to subsequent pressures stemming from the growth and diversification of Spain's Muslim population, as well as critical events (i.e. the Madrid bombings) that have contributed to the increasing politicization of Islam in Spanish society. My analysis synthesizes information from a variety of data sources, including transcriptions of parliamentary hearings and court rulings on issues related to Muslim accommodation, media coverage of key events and developments that have influenced the governance of Islam, in-depth interviews with government officials, civil servants, and Muslim leaders (conducted between 2012 and 2013), and a review of secondary literature on the topic.

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## 2 Church-State Theory and the Spanish Context

Recent debates surrounding the governance of Islam in Europe have centered largely on the explanatory strengths and limitations of national state-church models for illuminating distinctive patterns of Muslim accommodation (Bader 2007; Bowen 2007; Ferrari 2003; Fetzer and Soper 2005; Maussen 2009; Nielsen 2009;

Shadid and van Koningsveld 2002).<sup>2</sup> By “state-church models,” scholars generally refer to a combination of legal and constitutional arrangements, policy legacies, and underlying logics or principles of religious governance (van den Breemer and Maussen 2012). A key premise of the “models” approach is that policymakers tend to develop frameworks for accommodating Islam that are consistent with the legal and political traditions of their respective national contexts. This tendency results from both institutional constraints that limit the range of permissible policy options available to public actors, as well as ideological traditions and accumulated experiences of governing religious diversity which shape the policy repertoires that public actors draw upon in developing frameworks for religious accommodation.

Extending this premise to the Spanish context is complicated by the fact that policies governing the accommodation of Islam in Spain were initially designed during a period in which the legal and political traditions that had hitherto guided the state’s approach to religious governance were themselves undergoing significant transformation. In this section, I provide a brief synopsis of the institutional framework regulating state-church relations that emerged with Spain’s democratic transition during the late 1970s, as well as how this framework differed from Franco’s National Catholicism and other models of religious governance that have surfaced through the course of Spanish history.

For the vast majority of its history, Spain was an officially a Catholic country. With the exception of the Second Republic (1931–1936), state policies were generally favorable toward the Church and repressive of non-Catholic religions. During Franco’s dictatorship (1939–1975), for instance, the Church enjoyed extensive subsidies and tax exemptions, and was granted complete control over religious education (Manuel 2002). Church officials also worked closely with the Franco regime in developing social policies consistent with Catholic dogma. Although religious minorities were permitted to worship in private, they were highly constrained in their ability to outwardly express their religious identities (Morán 1995).

As the dictatorship neared its end, a younger generation of reformist-minded Spanish clergy empowered by progressive changes within the Vatican, and pressured by the international community, pushed for the enactment of more tolerant legislation governing religious diversity, as well as a gradual distancing of the Church from Franco’s regime. In 1967, the regime acquiesced and passed a new law permitting the formation of non-Catholic religious associations. A year later, a Muslim association was established in the North African stronghold of Melilla. Over the course of the following decade, several Muslim associations were created in

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<sup>2</sup> For a review of current debates surrounding the utility of national state-church models for understanding processes of religious accommodation, see Finotelli and Michalowski (2012).

Madrid, Barcelona, and other cities in the Spanish mainland (Moreras 2002). Those involved in the formation of Muslim associations at the time were generally students and professionals from Middle Eastern countries who had migrated to Spain to take advantage of the low cost of education and opportunities for employment.

As Spain transitioned to democracy following Franco's death in 1975, political elites commenced the process of drafting a new constitution. Designing a new framework for regulating state-church relations that would appease both pro- and anti-clerical segments of the political spectrum was one of the most difficult challenges of the process. While preserving the extensive powers and privileges enjoyed by the Church under Franco's regime was clearly untenable, so too was returning to the staunchly secularist and anti-clerical policies of the Second Republic in the years preceding the Civil War (1936–1939) (Gunther and Blough 1981). Given the absence of viable models for regulating state-church relations from within Spain's own past, political elites party to the drafting process looked to other national contexts for models that they could draw upon as both practical exemplars for drafting constitutional provisions and symbolic resources for justifying such provisions through linking them to precedents set by other modern and advanced countries.

After considering a variety of models and engaging in extensive behind-the-scenes negotiations, political elites ultimately agreed on a set of provisions that drew inspiration from the cooperative state-church models of Italy and Germany (Motilla 1985).<sup>3</sup> The resulting framework established the new democratic state as non-confessional and neutral with respect to religion, while at the same time including a provision for the state to maintain cooperative relations with the Catholic Church and other religious confessions. This was satisfactory to defenders of the Church since it did not entail a strict separation of church and state, and included explicit mention of the Catholic Church. It was acceptable to pluralists insofar as it disestablished the Church and created the possibility for the state to develop cooperative relations with other religious confessions (Manuel 2002).

Shortly after the new constitution's passage, the government commenced the process of replacing the 1967 Law on Religious Liberty, which still recognized Catholic doctrine as the inspiration for Spanish law, with an alternative law that was more in line with the framework of religious governance specified in the constitution. In developing the new law, officials from the Ministry of Justice's Directorate General of Religious Affairs met with religious minority leaders from a variety of confessions, including Islam, to gather their input and to symbolically demonstrate

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<sup>3</sup> Specifically, provisions regarding state-church relations in the Spanish constitution were modeled on Art. 137 of the Weimar constitution of 1919 (later incorporated into the German Basic Law of 1949) and Art. 7 and 8 of the Italian constitution of 1948.

the inclusive spirit of the law.<sup>4</sup> In its final form, the “Organic Law on Religious Liberty” (LOLR) of 1980 stipulated that the state should maintain cooperative relations with those religions that had achieved “deep rootedness” (notorio arraigo) in Spanish society, and provided some basic guidelines for what such cooperation entailed (Ciáurruz Labiano 1984).

A committee appointed by the Advisory Commission on Religious Liberty (CALR) subsequently determined that these criteria could be interpreted historically, and therefore did not require that a given confession have a certain number of followers or associations at the moment of its solicitation for recognition (Fernández-Coronado González 1995). This determination reflected the state’s aim of making religious recognition practicable for the small number of religious minorities in Spain at the time. As I explain in the following section, this aim grew out of the state’s broader project of building a more plural and tolerant society through symbolically recognizing historically-oppressed minorities.

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### **3 National Redefinition and the Accommodation of Islam during the Post-Transition Period**

Although the framework of selective cooperation between church and state elaborated in the Spanish constitution and the LOLR was modeled on the Italian and German examples, the subsequent specification of this framework with respect to Islam followed a distinctive trajectory in Spain. Whereas the Italian and German states have been hesitant to publicly recognize Islam, the Spanish state extended official recognition to Islam in 1989 – a moment in which Spain’s Muslim community was still in its nascent stages of development. Through formalizing relations with Islam, as well as other historically-oppressed religions (Judaism and Protestantism), Felipe Gonzalez’s Socialist administration sought to fashion a new image of Spain as a modern, plural society that had transcended its legacy of religious intolerance. Since issues regarding diversity were not yet a matter of public concern, initiatives concerning the presence of Muslims and other religious minorities were not subject to great controversy and hence posed little political risk.

Muslim leaders were not passive bystanders to this process, but rather actively took advantage of the favorable opportunity structure that existed during the post-transition period. The Muslim Association of Spain (AME) in particular worked

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<sup>4</sup> See, “En Estudio Una Reforma de la Ley de Libertad Religiosa.” *El País*, January 14, 1978.

closely with state officials in negotiating the extension of recognition to Islam.<sup>5</sup> In petitioning for recognition, the association's president, Riay Tatary Bakry, strategically leveraged Islam's historical legacy in the Iberian Peninsula to demonstrate its "deep rootedness" in Spanish society. The following excerpt is taken from the petition submitted by the AME in 1989:

The Islamic religion is of the spiritual beliefs that have configured Spain's historical character. Our culture and tradition are inseparable from the religious principles which have cultivated the deepest essences of the Spanish people and being. The Islamic faith, for its scope and number of believers, has achieved deep rootedness in Spain (Tatary Bakry 1995, p. 167).

Despite the fact that there were just 17 Muslim associations registered in Spain when the petition was submitted, the CALR unanimously approved the bid for official recognition, paving the way for the establishment of a cooperative agreement between the state and Spain's Muslim leadership. As a condition of this agreement, Muslims were required to form a single federative entity which could serve as an official interlocutor with the state. As in other European contexts, the Spanish state's interest in promoting the creation of a single Muslim interlocutor derived from its desire to avoid having to negotiate separately with different currents within Islam (cf. Laurence 2006; Motilla de la Calle 2004).

Under the leadership of Mansur Escudero, a group of Spanish converts eagerly sought to take a leading role in the process by creating the "Federation of Islamic Religious Entities" (FEERI) in 1989. From the outset, however, the federation proved unviable as an interlocutor due to personal rivalries and ideological differences between the leaders of its constituent associations. In 1991, the AME elected to exit the FEERI and formed its own federation, the Union of Islamic Communities of Spain (UCIDE). The state, however, did not compromise on its demand for a single interlocutor and pressured the two federations to form an umbrella commission, the Islamic Commission of Spain (CIE).

The CIE was created with haste in 1992 so that the state could realize its objective of establishing cooperative agreements with Muslim, Jewish, and Protestant federations as part of the wider series of symbolic acts and events commemorating the 500th anniversary of the "Discovery of the Americas" (Arigita 2006). The agreement with the CIE established a series of rights and privileges for Muslim minorities, including the protection and recognition of mosques as inviolable spaces, the right to religious accommodation in public institutions (i.e., the military and state prisons), the right to Islamic religious education in public and semi-public

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<sup>5</sup> This information was acquired from an interview conducted with Riay Tatary Bakry on July 4, 2013.

schools, the legal recognition of marriages performed in accordance with Islamic law, tax exemptions for Islamic associations, the right to take time off from work to celebrate Muslim holidays, and the right of Muslim associations to participate in the conservation of Islamic historical sites and artifacts (Moreras 1999). The agreement passed by unanimous vote in both houses of parliament, reflecting the celebratory climate surrounding Islam, and religious diversity more generally, at the time.

Muslims encountered a similarly advantageous opportunity structure at the local level during the post-transition period. During the 1980s and 1990s, municipal governments in several Spanish cities actively promoted the establishment of highly visible “cathedral mosques,” generally by ceding public land to mosque developers.<sup>6</sup> In contrast to France, where the promotion of cathedral mosques was connected to the objective of fostering the development of a distinctively “French Islam” (Maussen 2009), the proliferation of cathedral mosques in Spain was driven by the interest of urban planners and politicians in enhancing the global and cosmopolitan image of their cities. Indeed, the establishment of cathedral mosques arguably ran counter to the development of a distinctly Spanish Islam, as the funding for their construction came primarily from foreign donors. Nevertheless, they cohered well with urban development strategies that involved exploiting Spain’s rich cultural and religious heritage in order to increase the appeal of Spanish cities among tourists and wealthy Arab investors.

In Andalusia, municipal governments were especially welcoming of the establishment of cathedral mosques, as one of the main attractions of the region was (and still is) its rich Islamic heritage (Rogozen-Soltar 2007). Hence, major mosque projects were initiated in five different Andalusian municipalities during the 1980s and 1990s, though some did not come to fruition until the following decade.<sup>7</sup> In Madrid, a 12,000 m<sup>2</sup> Saudi-funded mosque was erected on land ceded by the municipal government and inaugurated in 1992. Similarly, Valencia’s main mosque was built in 1994 on donated public land. Barcelona was an exception to this trend insofar as no cathedral mosque was established in the city, despite the fact that it was home to one of Spain’s largest Muslim communities. This, however, was mainly the result of practical difficulties with the particular mosque projects that were proposed and dissension between foreign Arab donors and the local Muslim community, as opposed to the disinterest of city officials. Indeed, Barcelona’s municipal government made a concerted effort to find a location for a cathedral

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<sup>6</sup> The term “cathedral mosque” refers to large, purpose-built mosques with visibly Islamic architecture (Maussen 2009).

<sup>7</sup> These municipalities included Marbella, Fuengirola, Pedro Abad, Granada, and Malaga.

mosque to be built in the city during the mid-1990s after an influential businessman involved in the tourism industry cited the need for a large mosque to attract visitors from Arab countries and to maintain Barcelona's competitiveness with Madrid.<sup>8</sup> Since problems related to Islamic fundamentalism and Muslim integration were not yet issues of public concern in Spain, mosque projects initiated during the period aroused relatively little debate.<sup>9</sup> Some local Muslim communities, however, voiced their preoccupation with foreign-funded mosques, as they perceived the growing influence of Saudi Arabia, the United Arab Emirates, and other Middle Eastern countries as a threat to their ability to fashion Spanish Islam in accordance with their own principles and traditions.

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## 4 From Celebration to Problematization

Spain received significant praise for its broadly inclusive approach to incorporating Islam during the post-transition period. Shadid and Koningsveld (1995, p. 58) went so far as to write that Spain was "the only country of the European Union to have legally solved the problem of a representational body of Muslims on a national level." Given the rather seamless incorporation of Islam into Spain's institutional and material religious panorama during the 1980s and early 1990s, it appeared that Muslims in the country had 'skipped' the difficulties that are generally endemic to the early phases of community development. During the late 1990s and early 2000s, however, significant socio-demographic and political transformations brought about new challenges to religious accommodation and contributed to a hardening of the general climate surrounding Islam. As a result, Islam became increasingly framed as a social problem to be controlled, rather than a part of Spain's heritage to be reclaimed and celebrated.

Toward the end of the 1990s, Spain's Muslim population began to increase precipitously due to a major boom in the economy that generated significant employment opportunities in construction and services. Between 1996 and 2004, the number of Moroccan nationals residing in Spain rose from 90,000 to 420,000. By 2009, this number would grow to over 700,000. Pakistani, Senegalese, and Algerian communities also came to have a significant presence in certain parts of the

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<sup>8</sup> Macpherson, Ana. "Joan Gaspart: Barcelona Necesita un Casino y una Mezquita para Captar Más Visitantes." *La Vanguardia*, September 11, 1994.

<sup>9</sup> The controversy that emerged surrounding a project to build a mosque in Granada's Albaicin is an exception in this regard (Rosón Lorente 2008).



country. Given that most Muslim immigrants to Spain had few economic resources, they tended to concentrate in working-class neighborhoods, many of which already suffered from urban deficits. In several Spanish municipalities, mosques came to be perceived as symbolic of the 'colonization' of neighborhood life by Muslim immigrants, leading to several highly visible anti-mosque campaigns (Astor 2012; Moreras 2009). In some instances, conservative and far right politicians seeking to capitalize on such fears fomented anti-Muslim sentiment by reinforcing negative ethnic and religious stereotypes.

At the national level, the victory of José María Aznar's conservative Partido Popular (PP) in the 1996 general elections contributed to a narrowing of the opportunity structure available to Muslims for making claims upon the state. In direct contrast to the previous administration, Aznar pursued a program of re-traditionalizing Spain through initiatives aimed at preserving its Catholic heritage and values (Magone 2009). Issues related to the accommodation of religious minorities were essentially removed from the political agenda. Hence, despite the fact that Aznar's tenure in power (1996–2004) coincided with the highpoint of Muslim immigration to Spain, his administration did not promote any national initiatives to facilitate the implementation of the 1992 agreement between the state and the CIE.

For their part, Muslims lacked the organizational capacity to respond to the new challenges facing their communities. Fractures within the leadership of the CIE hindered its efficacy in administering the 1992 agreement, especially with respect to issues that required representation and consensus (Arigita 2010). In the sphere of education, for instance, disagreement between representatives of the UCIDE and the FEERI about who should teach courses on Islam in schools, as well as how they should be taught, impeded the implementation of Islamic religious instruction in schools with a significant number of Muslim students.<sup>10</sup> Dissension within the CIE similarly hindered the provision of religious accommodation in public establishments, such as prisons, as its leadership had difficulty agreeing on which imams should provide religious services.

In addition, despite the rising levels of immigration from Africa and South Asia, the CIE's leadership continued to be dominated by Spanish converts to Islam and Middle Eastern Arabs. As a result, many of the religious and cultural associations

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<sup>10</sup> Still today, courses on Islam are offered only in a select few regions, and solely at the primary school level. A recent report states that just 46 teachers have been hired in all of Spain to teach courses on Islam in public schools, despite the demand for an estimated 400 teachers. Moreover, such courses are offered in only 6 of Spain's 19 regions (including Ceuta and Melilla). Courses on Islam are notably absent from public schools in Catalonia, despite the fact that it is home to Spain's largest Muslim population (Observatorio Andalusi 2013).

that were created by Moroccans and other more recent immigrant groups failed to identify with the CIE and opted to function independently (Gest 2010). The consequent fragmentation within Islam's organizational structure hindered Muslims from mobilizing effectively in lobbying for measures of religious accommodation (i.e., support for the establishment of mosques and Islamic cemeteries).

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## 5 Religious Governance after the Madrid Bombings

The Madrid bombings of 2004 further heightened public anxieties regarding Spain's growing Muslim population. Shortly following the bombings, José Luis Rodríguez Zapatero and the Socialist Party achieved a landslide victory in the general elections. National security was understandably at the core of Zapatero's agenda upon entering into office. But in addition to bolstering the activity of government agencies formally charged with ensuring national security, the state sought to become more actively implicated in the integration of Muslims in Spanish society. Testimonies about the dangers of "non-integrated" Muslim immigrants that surfaced during parliamentary hearings on the bombings were influential in pushing this shift in approach.<sup>11</sup>

In December of 2004, the administration's Council of Ministers created the "Foundation for Pluralism and Coexistence," an entity dedicated to supporting the organization and integration of Muslims, Jews, and Protestants residing in Spain. Through creating the Foundation, the state sought to enhance national security by combating social exclusion and promoting the civic integration of Muslim minorities (Bleich 2009). In designing the Foundation, state actors took advantage of the opportunity structure afforded by the institutional arrangements established during the post-transition period. These arrangements both permitted the state to extend national funding to religious entities and provided it with a normative justification for restricting such funding to religious groups that had established formal agreements with the state. The Foundation was thus able to implement programs that targeted Muslim communities and organizations without singling Muslims out for entirely unique treatment.

The creation of the Foundation marked an important moment in the evolution of state-church relations in Spain, as it constituted the first direct avenue for non-

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<sup>11</sup> This information was obtained from a personal interview with José María Contreras, the former director of Spain's Directorate General of Religious Affairs and the first director of the Foundation for Pluralism and Coexistence, on July 5, 2013.

Catholic religious entities to access national funding (Hernández 2006).<sup>12</sup> Until the recent crisis and change of administration, the Foundation provided between 2.5 and 5 million € annually to religious federations and associations. In addition to providing public funding to religious minorities, the Foundation developed a series of initiatives aimed at promoting public awareness and toleration of religious diversity, improving data on the presence of religious minorities, and facilitating access to resources of use to actors involved in religious governance. With respect to Islam in particular, it encouraged Muslim associations to become registered with the Ministry of Justice's Registry of Religious Entities, facilitated Spanish courses for imams, published textbooks for Islamic religious instruction in public schools, and provided advice to local governments about the accommodation of Muslims' religious and spiritual needs (i.e., through clarifying the regulations regarding ritual slaughtering, Islamic cemeteries, and mosques). Most recently, it has developed an initiative to administer a fund through which future donations from the Middle East to Muslim communities in Spain would be channeled with the aim of creating more transparency and ensuring that donations go to viable projects. Through these initiatives, the Foundation has sought to bring Islam 'out of the shadows' and to develop an improved understanding of the ideas and organizations influencing Muslim minorities in the country.

Although certain Muslim communities have benefitted from the subsidies provided by the Foundation for Pluralism and Coexistence, the Foundation is not without its skeptics. Some Muslim leaders argue that state actors have leveraged the resources at their disposal to drive a wedge within the Muslim community by empowering certain groups and disempowering others. They add that the decisions regarding which Muslim groups to support are often based on misguided understandings of the Islamic movements (i.e., Tablighi Jamaat) and organizations (i.e., Morocco's Justice and Spirituality Party) with which they are associated. More generally, skeptics of public initiatives which provide support to Muslim communities contend that such initiatives are not driven by the objective of promoting religious freedom and social integration, but rather by the objective of controlling and domesticating Islam.

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<sup>12</sup> The Foundation does not, however, fund activities that are strictly religious in character. Rather, it provides support for organizational needs and activities which relate to culture, education, and social integration.

## 6 Toward a More Decentralized Model of Religious Governance

With time, the governance of Islam in Spain has become increasingly decentralized. Regional and local governments have taken a more active role in working with Muslim communities to accommodate their spiritual, dietary, and funerary needs. In most regions and localities, cooperation between public authorities and Muslim communities has occurred on an ad hoc basis and been confined to a narrow range of issues. In Catalonia, however, more substantial measures have been undertaken to institutionalize the accommodation of Islam, and religious diversity more generally, through the promotion of public agencies, religious advisory councils, and interfaith networks that facilitate a more sustained engagement between religious minorities, public institutions, and civil society.

Through establishing their own institutions for regulating religious diversity, those implicated in the process of religious governance in Catalonia have pursued the dual objective of augmenting the region's level of self-determination and developing an approach to religious governance that is more attuned to the specificities of the region.<sup>13</sup> Given that Catalonia is home to Spain's largest Muslim population, a central priority of these institutions has been to facilitate the accommodation and integration of Muslims in the region (García-Romeral and Griera 2011).

The first sub-national agency dedicated to religious governance in Catalonia was the "Interreligious Center of Barcelona," which has since been renamed the Office of Religious Affairs (OAR). The agency was initially created in 1998 at the bequest of Pascual Maragall, Barcelona's mayor at the time. Maragall had begun to prioritize issues of religious diversity during the lead-up to the Olympic Games which took place in Barcelona during the summer of 1992. In designing public agencies and initiatives related to religious accommodation, Maragall enlisted the support of Catholic activists and NGOs who had acquired experience in matters of religious diversity through their involvement in promoting ecumenism and interreligious dialogue.

Although the OAR's activities initially focused rather narrowly on promoting interreligious dialogue, it has gradually come to expand its objectives to include the practical accommodation of religious identity and practice, the enhancement of public awareness of religious diversity, and the creation of opportunities for religious minorities to participate in the civic and political life of the city. With respect to Islam, it has pursued these objectives through supporting Muslim communities

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<sup>13</sup> Catalonia is generally considered to be a "nation without a state" and has been engaged in an ongoing struggle for political autonomy from the Spanish state (McRoberts 2001).

in their efforts to establish mosques and other religious structures (i.e., cemeteries), combating Islamophobia through consciousness-raising programs in schools and government agencies, facilitating after-school programs for Muslim youth to receive Islamic religious instruction, and promoting the use of intercultural mediators to resolve conflicts related to Islamic identity and practice. In developing these initiatives, the OAR has drawn heavily upon examples from British, American, and French cities with longer traditions of regulating religious diversity. The selection of these contexts has resulted, in part, from linguistic factors, as employees of the OAR have greater fluency in English and French than in other European languages. But it has also resulted from the linkages that they have forged with British, American, and French organizations and agencies through their involvement in interfaith networks and coalitions.<sup>14</sup>

At the regional level, the Generalitat's Directorate General of Religious Affairs (DGAR) has similarly sought to facilitate the integration and accommodation of Muslims and other religious minorities. In 2004, it launched an initiative to provide public funds to religious organizations to facilitate their integration into Catalan society and culture. The DGAR has also sought to open channels for Muslims and other religious minorities to participate in the policymaking process. For instance, shortly before the 2004 Parliament of the World's Religions in Barcelona, the DGAR worked with the OAR to support the creation of a religious advisory council modeled on the example of Marseille Espérance, an organization that brings together minority religious leaders and facilitates opportunities for interaction with public institutions in Marseille (Griera 2012).

Despite the efforts of the DGAR and the OAR to facilitate the integration of Muslims in Catalonia, social tensions surrounding Islam's presence in the region have persisted, particularly with regard to the presence, or proposed establishment, of mosques (Astor 2012; Moreras 2009). In response to the high degree of conflict over mosques and other centers of worship catering to religious minorities (i.e. evangelical churches), the DGAR spearheaded the development of a "Law on Centers of Worship." The proposed law aimed to minimize misunderstandings and disputes regarding the establishment of centers of worship through harmonizing and clarifying municipal licensing requirements. After substantial debate over the law's necessity, content, and ideological basis, it was eventually passed by the Catalan parliament in 2009. With the shift to a more conservative administration in 2010, the law once again came under fire, but proposals for its reform have been

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<sup>14</sup> This information was obtained from a personal interview with Cristina Monteys, a civil servant who has been involved with the administration of the OAR since 2002 (when it was still the Interreligious Center of Barcelona). The interview was conducted on May 15, 2013.

temporarily shelved due to the deepening economic crisis and a shift in political priorities. Although it is still too early to evaluate the efficacy of the law, there are indications that it is being considered as a model by other Spanish regions facing similar difficulties related to the establishment of mosques. For instance, in the aftermath of several notable mosque conflicts in the Basque Country, the Basque Socialist Party proposed a law regulating centers of worship that closely resembles the Catalan example.

The increasingly active involvement of regional and local governments in the regulation and accommodation of Islam has been accompanied by a greater degree of decentralization in the internal governance of Islam. As a consequence of the CIE's inefficacy in making claims upon the state, as well as the widening distance between the leadership of the CIE, on the one hand, and those whom they purportedly represent, on the other, regional Muslim federations have come to assume a greater role in negotiations with public authorities (Arigita 2010). The first such federation was the Islamic Cultural Council of Catalonia, which was formed in 2000 with the support of public officials from within Catalonia's regional government. Similar federations have subsequently been formed in regions and provinces across the country. These federations have sought to promote unity among local Muslim leaders and to facilitate communication between local Muslim communities and public institutions at the regional and local levels. They have also played a consultative role for public authorities engaged in the policymaking process.

Until recently, regional Muslim federations were excluded from the CIE, and by extension official negotiations with the national government over the implementation of the 1992 agreement and other legislation pertinent to Muslim accommodation. In 2011, however, mounting pressure from regional and local Muslim leaders for greater voice in the political process resulted in a series of state initiatives designed to democratize Muslim representation at the national level. The first initiative was to replace the CIE with an alternative national federation, the "Islamic Council of Spain," whose leadership would be more heterogeneous and representative of the diversity internal to Islam in Spain. The initiative was received favorably by the UCIDE and several regional federations. However, the FEERI's leadership objected to the council's creation and successfully challenged its legal legitimacy. In a second effort to democratize Muslim representation at the national level, the state passed a Royal Decree-Law facilitating direct entry into the CIE, without prior affiliation with the UCIDE or the FEERI. This enabled 14 regional federations which had hitherto been excluded from the CIE to join.<sup>15</sup> In 2012, a

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<sup>15</sup> In addition, each of UCIDE's 18 regional federations joined the CIE independently after the passage of the Royal Decree-Law.

general assembly was convoked during which the CIE's standing committee elected a new president, Mounir Benjelloun (the president of the FEERI), and a provisional steering committee composed of representatives from diverse federations.

The primary goal of the CIE's new leadership at present is to pass a series of statutes which would, among other things, democratize and decentralize Muslim leadership in Spain through reforming the internal structure of the CIE and formalizing the role of regional Islamic commissions in the political process. These proposals, however, have met strong resistance from the UCIDE, whose leadership was dissatisfied with the process by which Benjelloun and the steering committee were elected.<sup>16</sup> Given that the UCIDE currently boasts the largest number of affiliated communities, its objections constitute a serious threat to the legitimacy of the CIE and its hopes of implementing the new statutes.

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## 7 Conclusion

The analysis advanced in this chapter highlights how processes of Muslim incorporation in Spain have followed a somewhat distinctive trajectory due to Spain's relatively late transition to democracy and the broader context of national redefinition within which the institutional arrangements and political strategies governing the accommodation of Islam were initially conceived. During the post-transition period, the perceived utility of Spain's Muslim heritage for political programs aimed at fashioning a more plural and tolerant society liberated from the yoke of Franco's National Catholicism generated a structure of opportunities amenable to the recognition and accommodation of Islam, despite the small number of Muslims residing in Spain at the time. At the national level, Spain became one of the few European countries to extend official recognition to Islam, and the 1992 agreement between the state and the CIE entitled Muslims to an extensive set of rights and privileges that is arguably without parallel in Europe. At the local level, several municipal governments actively encouraged the establishment of "cathedral mosques" in an effort to bolster the multicultural and cosmopolitan images of their cities.

The developments that transpired during the post-transition period, in turn, have influenced the structure of opportunities available to both state actors and Muslim leaders for responding to more recent challenges stemming from the growth and diversification of Spain's Muslim population, as well as critical events that have

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<sup>16</sup> Specifically, UCIDE's regional federations were not granted independent votes, despite their independent status within the CIE.

heightened the politicization of Islam. In the aftermath of the Madrid bombings, for instance, the state's decision to pursue its security agenda through creating a foundation designed to incentivize the integration of Muslim communities and associations through targeted subsidies was made possible by the framework of selective cooperation established in the constitution and the LOLR, and the 1992 agreement between the state and the CIE. Importantly, the establishment of the Foundation for Pluralism and Coexistence had repercussions not only for the governance of Islam, but also for the governance of religious diversity more generally, as it opened the door for other religious minorities, most notably Jews and Protestants, to access national funding as well. Similarly, Catalonia's new law regulating centers of worship was developed primarily in response to the high degree of conflict over mosques in the region, but nonetheless has ramifications for the establishment of churches, synagogues, and other types of centers of worship. Indeed, the principal objection of the Catholic Church to the law was that it treated churches and mosques equally, ignoring how they represented "distinct realities" that were differentially positioned within Spanish history and culture.

Although the 1992 agreement and other directives regulating relations between Islam and the state constitute an institutional framework that is, in theory, quite inclusive and accommodating of Muslims in Spain, in practice Muslim communities have had great difficulty establishing mosques, obtaining land for Muslim burial grounds, arranging for Islamic religious instruction in schools, and attaining other measures of accommodation. This has resulted from a variety of factors, including a general disinterest among public officials in taking concrete steps to accommodate the ordinary needs of Muslim communities, especially when doing so comes with political risk, and dissension within Islam's leadership regarding how various legal agreements and directives should be administered.

Moreover, the very process of establishing cooperative relations with the state itself has had certain drawbacks for Spain's Muslim communities. For one, as a condition of developing such relations Muslim communities were forced to organize hierarchically in a manner that concentrated power in the hands of a highly selective group of Muslim elites who have proven resistant to relinquishing their monopoly on positions of influence, despite the increasingly heterogeneous composition of Spain's Muslim population. Secondly, struggles over leadership and political influence have contributed to enmity and divisiveness between different segments of the Muslim population. And finally, as a consequence of the heightened stakes of representation, foreign governments, parties, and movements interested in influencing the development of Islam in Spain have dedicated an increasing level of resources to empowering groups partial to their views, undermining the chances for less politically-connected communities to have a voice in the development of



Spanish Islam. The Spanish case thus illustrates how formal recognition is not in itself sufficient for ensuring adequate religious accommodation in practice, and may even serve as a barrier to more bottom-up processes of religious mobilization and claims-making.

The difficulties resulting from the absence of effective and representative Muslim organizations in Spain have been compounded by the more general disinterest of Muslims in civic participation. According to Gest (2010), “passive apartism” is especially pronounced among Moroccans in Spain due to perceptions that Moroccan and Spanish identities are irreconcilable, lingering myths of return to Morocco, and feelings of political and social exclusion. In addition, many Muslims residing in Spain are not Spanish citizens and a relatively large number lack proper legal documentation. This has not only limited their political participation, but has also made them reluctant to interact with juridical institutions regarding matters of religious freedom and accommodation.

There are some indications, however, that Muslims are beginning to access the court system with greater frequency in order to contest restrictions imposed on religious practices. In 2010, the Watani Association for Freedom and Justice, a Muslim advocacy group in the Catalan city of Lleida, filed a lawsuit against a municipal ordinance prohibiting the wearing of burqas in public institutions. Although the lawsuit was initially rejected by Catalonia’s Supreme Court, the Spanish Supreme Court overturned the ruling, arguing that matters of religious freedom were not within the competency of municipal governments. Muslims have also filed several lawsuits against schools that have prohibited students from wearing the hijab.<sup>17</sup> The modest rise in lawsuits concerning religious matters filed by Muslim individuals and associations suggests that Muslims in Spain are beginning to feel more empowered to use public institutions to defend their religious identity and practices. This trend will likely increase as a growing number of Muslim youth born and raised in Spain comes of age.

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<sup>17</sup> The parents of a 16-year-old student who was expelled from a school in Puzuelo de Alarcón (Madrid) in 2010 for wearing a *hijab* filed a lawsuit challenging the school’s decision. In spite of their efforts, however, the school’s decision was backed by a district court and subsequently upheld by Madrid’s Supreme Court. Similarly, in 2011 the parents of a 10-year-old Muslim student who was forced to transfer from a school in Arteixo (Galicia) for wearing the *hijab* contested the school’s decision and filed a lawsuit against the school’s director for his treatment of the matter.

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# Islam in Sweden: Institutionalization, Public Debates and Discursive Paradoxes

Johan Cato

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## 1 Introduction

The Muslim presence in Sweden in modern times is a fairly new phenomenon and therefore is distinct from many other European countries with a colonial past (Svanberg 1994, p. 392).<sup>1</sup> The first Muslim congregation was established in 1949 in Stockholm by refugees coming from Estonia and belonging to the ethnic group of Tartars. The establishment of a Muslim congregation signaled the first non-Christian group (after the Jewish) to establish a religious community in Swedish society (Svanberg 1994, p. 394; see also Svanberg and Westerlund 1999; Otterbeck 1998). The establishment of a permanent Muslim presence in Swedish society did not attract a lot of attention from the Swedish state or the political parties in parliament and therefore developed outside of the public eye. In addition, the Muslim population was so small that it was ignored in a large government investigation about the relationship between the Swedish state and the Church of Sweden conducted in 1963, which also included a survey of all, at that time known religious congregations in Sweden (SOU 1963, p. 39). It took until 1974 for the Swedish state, in one of

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<sup>1</sup> There was off course earlier contacts between Muslims and Swedes through diplomats, Swedish converts and Muslim merchants who settled in Sweden. During Sweden's close relations with the Ottoman Empire during the reign of Charles XII a number of Turks settled in the southern coastal town of Kalskrona and were in 1718 permitted to practice their religion. This form of privatized religious practice did not however have a longstanding impact on the rest of Swedish society.

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its larger inquiries concerning the status of immigrants, to highlight that there was in fact a part of the population that were Muslim and adhered to the Islamic faith (Svanberg 1994, p. 394).

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## 2 The Muslim Population in Sweden

The number of individuals with a Muslim background in Sweden has been estimated at 450,000 (Bevelander and Otterbeck 2012, p. 72). At the same time it is important to stress that all statistics concerning religious affiliation in Swedish society is highly problematic since there are no official statistics regarding ethnic or religious affiliation. This in turn means that there are no absolute numbers concerning the Muslim population in Sweden. The estimates regarding the Muslim population are done by analyzing the size of people with a foreign background that supposedly come from a country with a large Muslim population and by also taking into account patterns of migration from the countries in question (Bevelander and Otterbeck 2012, p. 72). The last officially sanctioned census about Swedish citizens' religious affiliation was done in 1930 and at that time between three to eleven individuals registered and defined themselves as Muslims (Karlsson and Svanberg 1995, p. 14; Svanberg and Tydén 2005, p. 375).<sup>2</sup> Before 1950 the Muslim population was very scarce and amounted to a couple of families and some individuals. Estimates suggest that the numbers of Muslims have increased constantly: 10,000 in 1977, 100,000 in the late 1980s, 200,000 during the mid of the 1990s and finally 350,000 in the year 2000 (Svanberg and Tydén 2005, p. 376; Larsson and Sander 2007, p. 156; Otterbeck 2010, p. 103). About 90 % of the Muslim population has either come to Sweden or been born here after 1985. Age-wise, probably about a third of the group with a Muslim background consist of individuals in school age or younger (Otterbeck and Bevelander 2006, p. 15; Bevelander and Otterbeck 2012, p. 72). A larger Muslim population is thus a relatively new phenomenon in Swedish society.

The group of people with a Muslim background in Sweden is heterogeneous in that there is not a specific ethnic, linguistic or national group that dominates in absolute numbers. The wide spread of Muslim individuals with backgrounds from a large number of different countries and Muslims who were born and raised in Sweden or are converts, means that any attempt to define and consider Muslims in Sweden as a unified group is highly problematic. The heterogeneous Muslim group

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<sup>2</sup> The laws concerning churches in Sweden at that time prohibited the establishment of an independent Muslim congregation.

means that there are Muslims with roots in a variety of countries and regions, such as Turkey, the Balkans, the Middle East, North Africa, East Africa, West Africa, Iran, Afghanistan, Pakistan, Southeast Asia, Central Asia, Finland and the Baltics.

Muslims living in Sweden many times have completely different perceptions about what Islam is. The heterogeneity is reflected in the Muslim population's different approaches, which means that it is difficult to presuppose a total coherent agreement even in central areas of the Muslim faith (Otterbeck 2000, p. 110.).

If we look at the broader picture of religious affiliation in Swedish society estimates for 2008 show that 7.5 million individuals were members of or active in a religious congregation that had an economic or organizational relation to the state, either as a member in the Church of Sweden (approx. 6.7 million) or member in a congregation receiving state funding (Svenska Kyrkan 2010; SST 2010).

One of the most important political structures for religious congregations in Sweden other than the Church of Sweden is the possibility to receive state grants. The monetary grants are channeled through the Commission for State Grants to Religious Communities (SST)<sup>3</sup> and are dependent on a number of regulations. Religious congregations are obliged to structure their organizations in line with the Swedish traditions regarding independent associations. This means that the congregations (regardless of religious affiliation) have to register all members, have a treasurer, annual meetings, a chairman and statutes for the organization (Cato and Otterbeck 2011, p. 74). State grants are only possible to receive if the congregations are considered to uphold and strengthen the fundamental principles and values in Swedish society, like democracy and equality between the sexes. SST presupposes that different congregations join together in national organizations that are designated to distribute the state grants. The attribution of state grants is done by a system that looks at how many paying registered members each congregation has and how many individuals who are not paying members, but still use services provided by the congregation. Usually the financial support from the state is used to pay salary for a religious expert and to pay costs for renting rooms and apartments (SST 2009). According to SST's own statistics they are supporting religious activities for approximately 110,000 Muslims in Sweden and the grants are reaching 75 % of the Muslim congregations (SST 2010).

In the 1960s the Swedish state offered the Free Churches the possibility of acquiring state grants in line with grants offered to other types of associations in Swedish society. After an intense debate among the Free Churches about dependency versus

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<sup>3</sup> SST is an authority within the Swedish state system and was established in 1971. It is the authorities' duty to distribute state grants to different religious congregations (not to the Church of Sweden) active in Sweden.

autonomy, that was grounded in historical skepticism towards the state and the Church of Sweden, representatives of the Free Churches decided to accept the offer in 1971 (Ekström 2006).<sup>4</sup> The SST board that was set up to administer state grants to religious congregations was founded in 1971 and the first religious minority groups to receive state grants were Catholic and Jewish congregations. Non-Christian congregations and orthodox Christians became eligible in 1975, after a decision by the Swedish parliament (Cato and Otterbeck 2011, p. 74). This opening of state grants to non-Christian and orthodox congregations can be seen as part of the early stages of the Swedish political debate about multiculturalism.

In 1975 the Social Democratic government in a major proposal decided that it was time for a shift concerning the role of and status of immigrants in Swedish society. The earlier policies of assimilation were to be replaced by multicultural policies. The premise was that the state had a dual responsibility; to offer assistance to immigrants to achieve integration into Swedish society's civic community, and at the same time support immigrants' abilities to retain and preserve their ethnic and linguistic traditions (Borevi 2002, p. 95). The government's objectives came to be formulated as equality, freedom of choice and interaction. The goal for equality stated the desirability to create equal living conditions for immigrants and the majority population. Freedom of choice included, that linguistic minorities had the right to decide for themselves, how much of the original linguistic and cultural identity, that would be maintained vis-à-vis embracing a Swedish cultural identity and that they were entitled to state support in this endeavor. Interaction envisaged an increased cooperation between immigrant and minority groups and the majority population. This would only be achieved if immigrants were perceived as an equal partner in the community. A prerequisite for this was that immigrants were given the opportunity to create their own organizations and newspapers (Proposition 1975, pp. 26: 58–61). The proposal also stated that it would be inappropriate to distinguish between immigrant faith communities and other domestic faiths in regard to the possibility of obtaining state grants and social support. The proposal therefore concluded that regardless of the religion a community professed to, they should have the opportunity to apply for state funding. It is interesting to note that the government's proposal only partially touched upon the issue of religious minorities. Instead, the focus was on describing immigrants as part of specific linguistic groups.

SST is an important structure for Muslim political communities. Contacts have been made between Muslim organizational leaders from various traditions, the

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<sup>4</sup> The freedom of religion act was inaugurated in 1952. For further information, see Alwall 1998.

leaders have earned an economy enabling them to engage on a different level than unpaid members in minority religious communities normally can, and, not least, they have made contacts with other, non-Muslim, leaders and with political parties. Some have served as Muslim representatives in government councils and agencies. Already in the 1970s, the Muslim associations became aware of the importance of and the possibility to act politically. The first actions taken were meant to spread information about Islam orally and in writing and to lobby politically to achieve specific minority rights, such as halal food for school children (Otterbeck 2000).

It is worth noting that it took a rather long time before the issue of Islam and Muslims in Swedish society caught the attention of Swedish authorities. This late awakening of the Swedish state can be explained in several ways. Earlier groups of Muslims living in Sweden were too small and did not voice any demands in regard to Swedish society. Further, at that time, knowledge about Islam as a religious system with judicial, political and social implications was very scarce among the authorities (Alwall 1998, p. 176). Other possible reasons for explaining the Muslim invisibility could be the that the Swedish view on religion was dominated by an ethnocentric approach, in which it was taken for granted that norms, values, traditions and customs with Western European and Swedish roots, were superior to other outside traditions. The starting point was that immigrants from those traditions, once they came to Sweden, should assimilate and therefore would not be interested in maintaining their original culture, but instead embrace Swedish traditions as soon as possible (Sander 1990, pp. 27–28).

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### 3 The Institutionalization of Islam

During the 1970s there was a move towards a greater institutionalization of the Muslim presence in Swedish society through the establishment of nationwide organizations. The development was due to the fact that many within the Muslim population perceived their stay in Sweden as permanent, which in turn led to an influx of women and children, due to family reunification. This in turn, also meant a greater need for religious and cultural institutions, which would cater for Muslim individuals (Larsson and Sander 2007, p. 173; Otterbeck 2000, p. 111). The first one FIFS (United Islamic Congregations in Sweden) was established in 1974 and became eligible for state grants in 1975.<sup>5</sup> Disagreements within FIFS led to the

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<sup>5</sup> So called Free Churches i.e. Churches outside of the Church of Sweden became eligible to receive state grants in 1971. For further information, see Cato and Otterbeck 2011.



establishment of new national organizations. SMF (Muslim Federation of Sweden) started in 1982 and IKUS (Union for Islamic Cultural Centers) was established in 1984. SMF became qualified for state grants in 1983 and IKUS in 1987. In 2002, yet another organization, called SIF (Islamic Congregations in Sweden) was launched and achieved status as a national organization and received state grants. Changes in the composition of the Muslim population in Sweden has led to the establishment of yet more nationwide organizations.

The increase of Muslims with a Shiite background led to the formation of ISS (Islamic Shiite Congregations in Sweden) in 1992, but the organization did not become entitled to state grants until 2008. An increase in Bosnian refugees in the early 1990s led to the founding of BIS (Islamic Congregation of Bosniaks) in 1995 and the organization became entitled to state grants in 2008 (Cato and Otterbeck 2011, pp. 71–86; Larsson and Sander 2007, p. 174).<sup>6</sup> Besides the mentioned organizations there are also national Muslim organizations that for different reasons are not eligible for state grants or do not apply for them.

On the national level there are also joint committees that are set up to coordinate the work by the different national organizations. The first one called IS (Islamic Cooperation Council) was founded in 1988 by FIFS, SMF and IKUS. The joint committee was supposed to function as a liaison between the different organizations and the SST and coordinate their work and report it to SST. All of the six established Muslim national organizations that are considered eligible for state grants are today members of IS. Another joint committee, SMR (Muslim Council of Sweden) was founded in 1990 by FIFS and SMF. SMR has devoted their work in trying to lobby for the building of mosques and the establishment of Muslim schools, but have also produced informational material concerning Islam and acted as representatives towards Swedish authorities (Cato and Otterbeck 2011, pp. 75–76). The development of different Muslim congregations in Sweden is a result of different views regarding theology and national interests but also due to ethnic and linguistic differences. There are also congregations that seek to include and attract Muslims from different groups (for example the Islamic center in Malmö) but it is still common for a certain group to dominate in specific congregations. Concern-

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<sup>6</sup> Besides the mentioned national organizations the Ahmadiyya communities also have their own organization. The Ahmadiyya congregation in Gothenburg built the first purpose built mosque in Sweden in 1976. The Ahmadiyya faiths status as Muslims and a part of the Muslim *umma* is a controversial question. This controversy has pushed Swedish authorities to rather describe Ahmadiyya as a separate religion and omit them from descriptions concerning Muslim organizations. It is also worth mentioning that the Ahmadiyya community has had an organized presence in Swedish society since 1956 and are therefore one of the oldest Muslim groups in Sweden. For further information, see Otterbeck 2000.

ing the theological differences that function as boundaries between congregations, they have mostly to do with questions regarding religious affiliation to Sunni, Shia, Ahmadiyya, or interpretations of Islam in an ideological way or a specific culture of origin (Otterbeck 2000, pp. 110–111).

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## 4 Muslim Organizations and Swedish Politics

In politics, there has been some movement towards collaboration between political parties and Muslim organizations. In an established form, it has mainly focused on the Religious Social Democrats of Sweden, which is an independent organization within the Swedish Social Democratic Party.<sup>7</sup> The organization has since the mid-1990s profiled itself by trying to search for contacts, establish cooperation and attract Muslim voters. In the 1990s, contacts were established with Muslim organizations in Sweden, and in particular with the Muslim Council of Sweden (SMR).<sup>8</sup> The partnership has for example resulted in seminars dealing with the issue of Islam and democracy, and it has also organized leadership training for Muslim women who intended to create a Muslim Social Democratic-women's club (Johansson 2006).

The organization has in a more formal way worked with the Muslim Council of Sweden and the Jewish Central Council in trying to create change in the perception of religious (unstunned) slaughter, which is banned in Sweden since 1937.<sup>9</sup>

At the Religious Social Democrats union meeting in 2007, it was decided that it would set up networks for people who cherish a different religious belief than the Christian. The unanimous decision at the congress opened for political cooperation and membership in the organization, for example, Muslim sympathizers (Tidningen Broderskap 2007). At the following Congress in 2009 the development

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<sup>7</sup> The Religious Social Democrats is a proprietary lateral organization that falls within the Swedish Social Democratic Party (SAP) and was founded in 1924. It is listed since 1938 as a side organization to the parent party and has seats in both the party board and executive committee. For further information, see Lundberg (1988, (1997)).

<sup>8</sup> The Muslim Council of Sweden's ideological background has by Ouis and Roald (2003) and Carlbom (2006) been described as a moderately Islamist and influenced by the Muslim Brotherhood and the majority of members have traditionally come from Turkish or Arabic-speaking first-generation immigrants.

<sup>9</sup> Yttrande till Jordbruks departementet 2005. At that time this form of slaughtering animals was deemed to be unethical according to Swedish standards but the ban was also clearly directed towards the Jewish community in Sweden.

continued and the steering committee decided that the goal for the next congress was to broaden the committee further and to elect Muslim representatives (Högfeldt 2009). The Social Democratic election defeat in 2010 brought further changes. The Religious Social Democrats announced that it was time for a name change<sup>10</sup>, but also a redefinition of the organization from being solely Lutheran Christian to include different religious persuasions, including Catholics, Orthodox Christians, Muslims, Jews, but also believers in ásatrú (Svenska Dagbladet 2010).<sup>11</sup>

Before the parliamentary election in 2010 the Religious Social Democrats choose to intensify its efforts to win Muslim votes. One step in this endeavor was to produce the magazine *Islam & Politics*, whose first edition was released during Ramadan in 50,000 copies (Cato 2011). Behind the magazine stood the organizations network for progressive Muslims and the newspaper's departure was, according to the publishers, to fill a void in Swedish media. The magazine's content was a mix between more opinion-oriented material, columns and interviews and it focused on the everyday life of Swedish Muslims. The editorial stressed that public debates about Muslims in Sweden too often concerned peripheral phenomena like the handshake debate<sup>12</sup>, Lars Vilks' cartoons<sup>13</sup> and the potential banning of the burqa. The editorial pointed out that even though issues of this nature were of some significance, it was problematic to constantly focus on them, since this obliged Muslims to always express their views on issues of marginal interest. The editorial was a clear positioning from the Social democratic Muslim side, where they presented themselves as a middle option between Islamic extremists and islamophobic extremists (Cato 2011, p. 82).

The newspaper published a manifesto of Muslim Social Democrats. An interesting aspect of the manifesto is the definition put forward. The members' Muslim identity was defined in an inclusive manner and stressed that identity was based on

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<sup>10</sup> The organization was until the name change in 2011 called Christian Social Democrats and often just referred to as the Brotherhood Movement.

<sup>11</sup> Ásatrú is inspired by Old Norse religions which refers to religious traditions that are prior to the Christianization of Scandinavia. For further information, see Gregorius (2008).

<sup>12</sup> This debate revolved around a Muslim man who refused to shake the hand of a female employer, when he was applying for a job as a trainee at a factory. The employment office decided to suspend the man from the work program he was involved in. He was later awarded damages due to unlawful discrimination.

<sup>13</sup> Lars Vilks is an artist and art theoretician specialized in post-modern provocations against the taken for granted understanding of art. In 2007 he drew sketches of Muhammad combining the body of a dog with a turbaned head in a setting reminding Swedes of a spontaneous folk art expression at the time: the roundabout dogs, often bright colored wooden sculptures in the form of animals placed in roundabouts for the fun of it. Some perceived the drawings as mere provocations and others saw them as a test of the freedom of expression. Vilks has been threatened and attacked because of the sketches.

the fact that “faith, practice and culture take many forms and [. . .] different people have very different reasons as to why they call themselves Muslims” (Cato 2011, p. 84<sup>14</sup>). The connection to Social Democracy was explained due to the party’s idea of a common social structure and that this was something that goes hand in hand with Islam’s ethos for justice. The involvement in the Social Democratic Party was therefore the best way to translate the Qur’ans message from words into action. The manifesto’s requirements included: the right to build mosques; halal food in schools; time off from work for Friday prayers and religious ceremonies; as well as the right of Muslim women to equal treatment regardless of whether they wear a headscarf or not.

Since the 2010 election the Religious Social Democrats own magazine (called Brotherhood) and *Islam & Politics* have merged into a new publication called *Faith & Politics*. Although the newspaper’s objectives are described as making room for new groups of sympathizers, *Faith & Politics* only emphasizes the possibility of giving Muslims active in the labour movement a platform to drive public opinion (Tidningen Broderskap 2010).<sup>15</sup> Before the parliamentary election in 2010, representatives from the Religious Social Democrats explained the supposed attractiveness of the party among Muslim voters by stating that “this is a socially vulnerable group and our policies are beneficial to them”. Additional factors that were highlighted as key to win Muslim voters was a theological critique of capitalism in Islam, and policies dealing with the situation in Israel-Palestine, Iraq and Afghanistan (Weiderud 2010<sup>16</sup>).

The Religious Social Democrats description of their role in attracting Muslim voters was explained as part of a strategy that for a long time had taken Muslims seriously and even given them a place as members in the organization. The aversion to Muslims and Islamophobia was identified partly with the Sweden Democrats (Sverigedemokraterna), but also with the Liberal Party (Folkpartiet), since their policies stimulated and increased Islamophobia by unfortunate interconnections between Muslims, Islamism and extremism (Weiderud 2010). Among the various strategies Stefano Allievi describes as common in European political parties’ efforts to attract and define Muslim voters, the example of the Religious Social Democrats, shows primarily, how the religious dimension can be used for political mobilization (Allievi 2003, p. 191). One problem with emphasizing the religious variable is that it is based on the illusion that there is a homogeneous religious community.

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<sup>14</sup> Author’s translation from Swedish.

<sup>15</sup> The focus on Muslims also means that each issue of the magazine will have a Christian and a Muslim editorial.

<sup>16</sup> Author’s translation from Swedish.

This assumption fails to recognize that individuals who are defined as Muslims, or who define themselves as Muslims, do not necessarily see the Muslim identity as crucial for political commitment (Allievi 2003, pp. 187–189).

The issue of Muslim candidates was recognized and a question of contention before the 2010 national election. The criticisms made against Muslims who chose to engage in party politics was intent on questioning their vision of democracy and gender equality. Several Muslim candidates were accused (often by fellow party members) of being Islamists or harboring Islamist values, that were not in tune with the Swedish society's view of democracy (Cato and Otterbeck 2011, p. 81)

The candidates' potential Islamist values were described as hazardous because they could lead to increased suspicion towards Muslims and it was questioned which Muslims they really represented. Allegations of Islamism against Muslim candidates who choose to engage in partisan politics are a tendency that can be discerned throughout Europe (Glynn 2009).

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## 5 Issues of Contention: Education and Religious Slaughter

Questions regarding Islam and Muslims in Swedish society were for a long time rather scarce within the Swedish political debate. As mentioned before it took until the mid-1970s before the Swedish state and politicians highlighted the fact that there was indeed a Muslim population. During the 1970s and 1980s Islam and Muslims were mostly related to questions concerning practical issues like education and religious slaughter.

The political debate about education for children started in the early 1970s and continued into the beginning of the 1980s and centred on the need for all children in general to have more education regarding Christianity in the school curriculum.<sup>17</sup> Christianity was described as a crucial part of the Swedish democratic rule by several conservative members of parliament who also underlined that Christianity was part of the ideological struggle that was going on in the world and in Sweden. They stated that it was Christianity that was Sweden's religion and Christianity should therefore be an essential part of the curriculum. Religions like Islam could be studied when children learned about people of other religions. Such reasoning assumed that Swedes were Christian by definition. The possibility of the existence of Swedes with different religious beliefs was thus neglected. It was suggested that the

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<sup>17</sup> Christianity as a specific subject within the curriculum was abolished in 1965 in secondary schools through the introduction of a new curriculum (LGY 65) and would hence forth be known as Religious Studies. With the new curriculum in 1969 (LGR 69) the subject was also called Religious Studies in primary schools.

teaching of Christianity had been neglected because too much space was granted to the teaching of other religions. If there was a need for teaching about other religions, this was not for the value of learning about other religions per se but in order to better understand the superiority of Christianity (Cato 2012, pp. 94–95).

The issue about religious slaughter also attracted attention in Swedish parliament. According to Swedish law slaughtering of animals can only be accepted if the animal is stunned before, which is a controversial issue among both some Jewish and Muslim groups. Religious slaughter was described as a manifestation of certain groups that significantly diverged from the pattern that existed in Swedish society, as well as a risk that these issues would increase and thus heighten conflicts. Groups that had such requirements were, at the end of the 1980s, described by one of the MPs from The Center Party (Centerpartiet), as problematic because they took advantage of the Swedish system to get their “deviant practices” accepted (Cato 2012, p. 127). In this instance it was the Muslim group who was designated as having such practices and insisting on their demands for religious slaughter. These forms of slaughter were deemed to be un-Swedish and an unethical form of slaughter. By using the Muslim group as an example the politicians was signaling what was considered Swedish but also pointing out Muslims as a problematic group that diverged from Swedish values regarding the treatment of animals (Cato 2012, p. 122).

In 1989 the first solely negative statement about Islam and Muslims occurred in the Swedish political discourse. One of the MP’s from the Conservative party (Moderaterna) bluntly stated that there was nothing to be gained for the Swedish society regarding immigration from Muslim countries. Muslims were portrayed as completely different from native Swedes in areas of law and order, freedom of speech and equality between the sexes (Cato 2012, pp. 120–121).

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## 6 Issues of Contention During the 1990s: Muslim and Arab Independent Schools

During the 1990s, once again Islam and Muslims were discussed in relation to religious slaughter and education. The debate about education took another turn and the focus was less on the teaching of Christianity within the curriculum and more about negative aspects concerning independent Muslim and Arabic schools.<sup>18</sup>

The increasing number of private schools was described as a threat to the previously unified Swedish school, which was considered a strong factor in the development of Swedish society and a guarantor of consistently high educa-

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<sup>18</sup> Independent schools with a denominational, ethnic or linguistic emphasis were allowed in 1992.

tional standards. The unified school system according to its proponents, made it possible to take advantage of talent from different social groups, to foster integration and counter segregation among different groups within Swedish society (Cato 2012, p. 154).

The criticism regarding independent Muslim and Arab schools centered on a fear that they would instill fundamentalism among pupils and it was also stated in the political debate that Muslim parents sent their children to these schools because they were afraid that their children were becoming “too Swedish”. In line with this form of argument one of the MPs from the Social Democratic Party wondered what would become of Muslim children since they would never meet any Swedish children? They would live side by side in society, but in a sense, grow up as strangers from each other (Cato 2012, p. 155).

The criticism leveled against Muslim and Arab schools focused on two main aspects: the Muslim and Arab schools were described as problematic from a social point of view by turning to an already marginalized group, which supposedly could lead to a complicated integration of Muslim children, since they only gathered in specific schools. Muslim and Arab schools were also perceived as inferior from a pedagogical point of view to other private schools with a clear denominational or ethnic character. Other schools with a certain denominational or ethnic character were also criticized in the debate, but their legitimacy was never put into question. One explanation for this could be that Muslim and Arabic independent schools stand out as a challenge towards Swedish homogeneity, since Muslims and Arabs are often considered to be the most foreign elements in Swedish society (Bunar 2002, pp. 142–143).

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## 7 The Question of Values

The political debate after 2001 took yet another turn. Instead of debating more practical issues as areas of contention, this period saw increasing concern about acceptable values within Islam and the Muslim community in Swedish society. One outcome of this turn in the political discourse was a debate about the possibility of a state sponsored Imam-education. This was seen by all parties in Swedish parliament as a positive development and a way to strengthen the Muslim community in Sweden. Some of the parties viewed such an education as a way of confirming that Muslims in Sweden were indeed an integral part of society. State-sponsored Imam-education was described as a way of further developing Islamic congregations and providing equal treatment by the Swedish state since the Islamic congregations

themselves had no financial means to create such an education on their own (Cato 2012, p. 253). Proponents of a state sponsored Imam-education feared that importing foreign imams would lead Swedish Muslims to embrace unacceptable values alien to Swedish society. One of the Social Democratic MPs asked: “the crucial issue for society, parliament and government and the question we must ask is: How do we want Islam in Sweden to be like? How do we want the religion to develop here? What values should characterize it?” (Cato 2012, p. 254<sup>19</sup>). For the proponents of a state-sponsored Imam- education it therefore was of utter importance that “the right kinds of Imams with the right kinds of values” (Cato 2012, p. 254) were allowed to work in Sweden—otherwise something could go “terribly wrong” in particular with regard to young Muslims, who were described as easy prey for different forms of radicalization (Cato 2012, p. 254). To this, another MP from the Liberal Party (Folkpartiet), replied that a state sponsored education for Imams would be positive since it could educate Imams and prevent fundamentalist forces within Islam getting a stronghold in Sweden with the aim of destroying an open and democratic society. The alternative for state sponsored education was described as Wahabi Muslims with oil money would be taking over moderate Muslim groups around Sweden (Cato 2012, pp. 255–256).

During this period the Swedish government also commissioned a state inquiry regarding Sweden’s relationship to the Muslim world. The inquiry identified several issues that were problematic and especially pointed to the role of women in the Muslim world. The inquiry stated that: “Women in the Muslim world based on our own approach and our values are often treated as second-class citizens. Although women are not fully equal to men anywhere in the world, the situation is particularly bad in the Muslim world”.<sup>20</sup> The image that the committee painted of conditions for women in the Muslim world was negative; women had less access to education, work and ownership; they often could not hold public office and thus were denied full and independent participation in politics. Furthermore, women were often discriminated against in law and exposed to (sexual) violence. The Committee concluded that the situation of women in the Muslim world was a serious obstacle to Sweden’s relations with the Muslim world (Cato 2012, pp. 188–189<sup>21</sup>). In conclusion, women in the Muslim world were consistently defined and described, by the committee, as subjugated and discriminated against, in relation to Swedish values and attitudes.

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<sup>19</sup> Author’s translation from Swedish.

<sup>20</sup> Utrikesutskottets betänkande 2005/06:UU8:109. Authors’s translation from Swedish.

<sup>21</sup> Author’s translation from Swedish.



This points out how the Swedish self-image tends to highlight certain specific values as unique parts of being Swedish. Equality is often highlighted as a value that has become an undisputed strong national Swedish value. In the Swedish self-image, it is only natural to perceive Swedish society as one of the most equal in the world. The image that most clearly illustrates the notion of Sweden as an egalitarian country is when it is contrasted with the so-called patriarchal world. This shows that there could be a link between the Swedish promotion of equality and widespread skepticism about Islam (Johansson Heinö 2009, p. 156<sup>22</sup>).

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## 8 Conclusion

This chapter have identified four different discourses among the political elite, within the Swedish public policy debates, that compete to define and explain Islam and Muslims. The first one is a discourse on integration which dealt with issues such as education, independent schools, religious slaughter and a state sponsored Imam-education. Often Islam and Muslims were used as examples in these areas to highlight any kind of problems or failures in Swedish integration policies. The establishment of Islam was described during the 1990s as the largest religious change in Sweden, resulting in risks of collisions based on different values between Muslims and native Swedish citizens (Cato 2012, p. 275).

The second type of discourse concerns equality; it highlighted the lack of equality between Muslim men and Muslim and non-Muslim women. Muslim women were largely described as subordinate and oppressed. A lack of gender equality was emphasized as a serious problem in Swedish relations with the Muslim world and for a successful integration of Muslims in Swedish society. The description of Muslim men was based on stereotypes about violence and patriarchal values. The underlying mechanisms to explain these “non-Swedish values” were made with reference both to Islam as a religion and Islamic culture (Cato 2012, p. 275).

The third type of discourse focuses on national security. In these areas, Islam and Muslims were largely represented as a potential security threat. Islam and Muslims was described as a challenge to a liberal, democratic and secular state. Islamic values (in particular Islamism) were described as being on a collision course with Swedish values and with democratic institution in Swedish society (Cato 2012, p. 276).

The fourth is a discourse on the homogenization and ethnification of Islam and Muslims. The discourse makes itself felt in several of the aforementioned discourses

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<sup>22</sup> See also Carbin (2010) for a similar description.

and implies a trivialization where Islam is reduced to a cultural tradition linked primarily to the Arabian tradition, which is contrary to most of the contemporary research about Islamic and Muslims. Additionally there is rarely any distinction made between different interpretations of Islam, not even between Sunni and Shia. Such an approach fails to recognize the substantial geographical and theological differences in Islam and among Muslims. It also fails to highlight the differences and the ongoing competition that exists between the various Islamic orientations, traditions and organizations in Europe. This misconception produces an image of the Muslim Umma as united and thus as an existential threat to Western democracy (Cato 2012, p. 276).

The political discourses on Islam and Muslims in Sweden is in many ways paradoxical. All political parties support the freedom of religion as an inviolable right. At the same time the public policy debates shows that Islam and Muslims are often portrayed as deviant or as a threat to liberal democracy. In the political discourses, there were examples of how politicians and authorities granted themselves the right to define the “good forms of Islam” that could fit into Swedish society. The interpretations of Islam produced by politicians within the political discourses and deemed as correct, included that *their* interpretation of Islam was liberal, moderate and secular. The interpretation of Islam that was considered to be “bad” was characterized as deviant, radical, conservative and patriarchal. Muslims as a collective were urged to stay away from the incorrect forms and show their full support for the “right” moderate interpretations of Islam. It was also supposed that the silent majority already supported these moderate interpretations of Islam. Politicians therefore called upon “normal Muslims” to speak out and show what true Islam is like.<sup>23</sup> It was also assumed, by the politicians, that by doing this, moderate Muslims could validate the description of reality that was given in public policy debates. Muslims as a unified collective were considered suspicious until proven otherwise by a public repudiation of the erroneous interpretations of Islam (Cato 2012, p. 289).

In conclusion, this highlights how the Swedish state and the political parties through various strategies have tried to administer, channel and construct an acceptable version of Islam that incorporates moderate values, is secularized and liberal. At the same time there has also been multiple efforts from the Swedish state and the political parties to portray and confirm Islam and Muslims as a natural part and development of a religiously pluralistic society.

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<sup>23</sup> Peter Mandaville (2009) describes a similar development in the UK where the official policy line has been that moderate Muslims must rise up and take back their religion. The version of Islam that British politicians advocated have included that it is depoliticized and liberal.

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# How Foreigners Became Muslims: Switzerland's Path to Accommodating Islam as a New Religion

Gianni D'Amato

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## 1 Introduction and Basic Information

The relationship between the state and religious communities has followed two distinct paths in the Christian world. According to de Tocqueville, in the United States civil society mediated the differentiated religious realm, whereas the state as a neutral broker created a framework for this pluralization of beliefs. The state became a partner of religious communities, which relied on their capacity to organize themselves autonomously. The context was completely different in Europe, where the liberal state had to create its own public space, emancipating itself from the hegemony of the church. The outcome of this struggle on the Old Continent shaped a multitude of relations between the state and individual Christian communities (Cattacin et al. 2003).

Because of its complex federal polity, Switzerland can be regarded as an example of how different solutions can co-exist under a common roof. Cantons like Geneva and Neuchâtel, in which religion has been clearly separated from the state (*Trennungskantone*), collaborate with cantons that have chosen one of the Christian religions as their state religion (*Landeskirche*). This cohabitation is a consequence of the civil war of 1847/48 (*Sonderbundskrieg*), which constructed the very foundation of modern Switzerland and its successful formula allowing coexistence between Catholic cantons and liberal, mainly Protestant ones. This model accommodated the former cultural and religious cleavages of the nineteenth century and was the foundation of Switzerland's political and economic success. It was the further pluralization of religious beliefs in the twentieth century that revealed the inability of

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this model to incorporate new, recently arrived religious minorities. The secular debate on new religions and their relationship to the state has since then found a strong resonance, focusing its attention in particular on the effects of Muslim diasporas in Switzerland.

The first wave of Muslims immigrating to Switzerland goes back to the late 1960s, some years after the numerically strong immigration of Italians and Spaniards in the 1950s and 1960s. Defined at the time as a foreign workforce, Turkish and Yugoslav nationals initiated Muslim immigration in those labor-intensive sectors of the economy with pressing labor shortages. These immigrants, who only came to Switzerland with the intention of staying for a limited period of time, were “invisible”, their cultural and religious beliefs being restricted to the private realm (Gianni 2010).

After the oil crisis of 1973, a second wave of immigrants came to Switzerland through a policy of family reunification, thereby stabilizing their presence in the country and becoming, according to Matteo Gianni (2010), a new component of Swiss society that had effectively renounced the idea of returning home.

The third wave of Muslim immigrants followed a political trajectory as asylum-seekers. Since the 1960s, refugees mainly from the Middle East, and later from the Balkans during the 1990s (Bosnia and Kosovo), but also from North Africa and sub-Saharan Africa, represented the most recent countries of origin. The causes of their emigration remain political turmoil, famine, civil wars and authoritarian governments ruling their countries without any respect for human rights. Two other elements of the Muslim community consist of descendants of the first waves and an increasing number of Swiss citizens who are converting to Islam (Gianni 2010).

One important aspect is the demographic increase of the Muslim population between 1970 and 2000. Swiss statistics for 2000, the last census to cover religious affiliation, recorded 310,807 individuals with a Muslim background, corresponding to 4.26 % of the population.<sup>1</sup> In 2010 the Swiss structural survey counted 320,958 Muslims, but the figures are not directly comparable since the survey counts only persons aged 15 or above who have been in the country for more than a year.<sup>2</sup> According to the structural survey, the proportion of Muslims increased to 4.5 % of the Swiss population, stabilizing at 320,958 Muslims in 2010. Researchers estimate their true numbers at between 350,000 to 400,000 (Behloul and Lathion 2007). The rate of increase has considerably diminished since the early 2000s due to the ending of the Balkan wars and the consequently reduced influx (Table 1).

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<sup>1</sup> See <http://www.bfs.admin.ch/bfs/portal/de/index/themen/01/22/publ.Document.50514.pdf>.

<sup>2</sup> For detailed information, see: <http://www.bfs.admin.ch/bfs/portal/en/index/news/02/03/02.html>.

**Table 1** Demographic evolution of the Muslim population in Switzerland. (Source: Swiss Statistics 2000)

Year	Total
1970	16,353
1980	56,625
1990	152,217
2000	310,807
2010	320,958

Muslims in Switzerland live predominantly in urban areas, mainly in Zurich, Aargau, St. Gallen, Vaud and Geneva, their presence being minimal in agricultural cantons such as Valais, Grisons, Fribourg or the Jura. This can mainly be explained by the social profile of Muslims who arrived to work in industrial areas. Their presence is slightly stronger in the German part of the country (4.9 % of the population) than in the French part (3.9 %). Conversely Muslims with Swiss passports live predominantly in the French-speaking part of Switzerland (2010: 37.6 %; in 2000 18.7 %), whereas in the German-speaking part their share is only 29.7 % (or 9.8 % in 2000). This is an indication that naturalization may vary according to area of residence.

31.4 % of the 320,958 Muslims hold a Swiss passport (in 2000 12 %),<sup>3</sup> most of whom (90 %) have a so-called migration background, since more and more Muslims are satisfying the requirements for Swiss citizenship.<sup>4</sup> 42 % originate mainly from the successor states of former Yugoslavia and 14 % from Turkey. 4.5 % have their origins in North Africa, 3.8 % in the Middle East and 1.4 % in sub-Saharan Africa.

Around 90 % of Muslims in Switzerland have their origins in Europe (including Turkey), a strong difference from countries like France and the Netherlands, where Muslims originate mainly from Maghreb countries, a distinction which is hardly reflected in public debates that compare the situation in different European countries.

The age structure, not surprisingly for a recent immigrant group, is quite young: in the 2000 census almost half of all Muslims in Switzerland were under 25 years old, and many of them had been socialized among Swiss peers (Table 2).

This trend has been confirmed in the structural survey. More than 70 % of the Muslim resident population is younger than 45 years old, only 3 % older than 65. Compared to the general population, this is a young population of employable age.

<sup>3</sup> Therefore, in 2010 around 102,085 (in 2000: 36,481) were Muslims with Swiss citizenship.

<sup>4</sup> Among these persons, in absolute numbers 5569 are Swiss-born, therefore the children of Muslim Swiss or of converts. 96,516 have been naturalized.

**Table 2** Age structure of the Muslim population in Switzerland. (Source: Swiss Statistics 2000)

Age	Total
Younger than 15	91,948
15–24	59,867
25–39	91,436
40–59	59,707
Older than 60	7849

**Table 3** Educational achievements of the Muslim population in Switzerland, highest degree. (Source: Swiss Statistics 2011, Structural Survey)

Highest achieved education	Secondary level 1	176,537
	Secondary level 2	96,923
	Tertiary level	28,542
	Unknown	18,956

With regard to education, Muslims in Switzerland have a rather low profile. According to Swiss statistics, 55 % (176,537) have only completed obligatory education until the age of 16. 30 % of Muslims in Switzerland (96,923) have completed education to the Secondary II level. Only 8 % (28,542) have reached the tertiary level, the highest level of education (Table 3).

Summing up, we may agree with the conclusion of Matteo Gianni (2010, p. 11), who characterizes the Swiss Muslim population as ethnically and culturally very diverse and as far from homogenous. A further characteristic is its predominantly European origin in the widest sense, since close to 90 % come from the Balkans and Turkey. Thirdly, it is overwhelmingly the younger elements of the population who have migrated mainly as the first generation to Switzerland, living to a great extent in urban settings and being largely non-Swiss by citizenship, even though this group has increased in numbers since 2000.

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## 2 How Immigration and the Integration of Islam have Shaped and Challenged Host-Country Institutions

Relations between religious groups and the state can be many, especially when issues of recognition are at stake. In Switzerland, several models and strategies of accommodation coexist. In practice the most minimalist approach relies on a *modus vivendi* grounded in accepting freedom of association without any formal recognition as a religion, but framing the opportunity for all residents to associate



freely according to their ideologies, interests and religious beliefs. More far-reaching is the *recognition* of organizations and their statutes as a religious community. No particular privileges may be conceded in this case either, but this form has strong symbolic implications. These organizations are recognized as religiously relevant and are treated differently from other forms of association and groups. Still more relevant is *recognition in public law*, a constitutional order that is able to confer on religious groups a privileged status, access to rights through public funding and the right to their own places of worship. A further level of recognition culminates in declaring a religion to be a *state church*, though this does not rule out more than one religion being recognized in this public function. Finally, the state could also reject any form of recognition and prohibit religious groups from organizing at law, as is already the case in certain countries in relation to sects.

This differentiated policy of recognition, which gives the state the opportunity to address dissimilar forms of relatedness to different religions, may be regarded as discriminating by those who have no access to standard resources of recognition. This is particularly evident when religions are discriminated against in crucial questions, for example, with regard to the construction of cemeteries. Switzerland in particular is symptomatic in this regard, since different forms of recognition co-exist, giving minority religious groups real experience in how multilayered policies may prove inequitable.

The status of churches as corporations under public law can be explained traditionally through a movement that initially pursued the goal of separating the churches from the state. Until the nineteenth century, Switzerland had a public church state system (*Staatskirchensystem*) characterized by the fact that the state and the legitimate churches formed a unique corporate body. Churches were in practice state agencies. The separation was realized in order to guarantee greater autonomy, releasing the churches from their organic relationship to the state and converting them into corporations under public law. Recognition under this new statute was conceived as a compromise between the institution of former state churches and the possibly complete separation of churches and the state. The “new” religious groups, among them in particular Islam, and their aspiration to achieve recognition under public law can be read as an effort to reach equality of treatment with Swiss traditional churches and beliefs (Protestant, Catholic, Jewish and Christian-Catholic communities). This aim is addressed to the state in order to transform religious communities under private law into entities under public law that could be interpreted, if successfully realized, as a recognition of group rights.

Importantly, though, in Switzerland there is no homogenous concept involved in recognizing religious communities under public law. According to Art. 72 § 1 of the Swiss constitution, the cantons are responsible for regulating the relationship

between religious communities and the state. The cantons are completely free in this regard, and indeed the 26 cantons have defined this relationship in their respective constitutions and laws autonomously and in accordance with their historical legacy. Within the realms of the Swiss federal constitution, the federal level is very reluctant to give rulings on religious matters. Exceptions are the ban on unstunned (kosher and halal) slaughter and on minarets, both of which can be traced back to popular initiatives that enforced this restriction of religious liberties in the constitution.

In spite of the differences between cantons and the reluctance of the federal government to intervene, a common core can be detected on which cantons are converging. This regards particularly the question of recognition. Two elements are important: first, appraisal as a religious community, and secondly the act that is necessary to prepare recognition under public law by helping to constitute a religious group as a legal entity (Kraus 1993, p. 440). The two elements are not necessary linked to each other.<sup>5</sup>

Extension of recognition under public law in the direction of “new” religious communities is often pursued in order to resolve the discrepancy in relation to the privileges of the recognized churches. An instrument to advance in this direction is provided by the Federal Law that formulates the framework conditions under which all groups can act. Religious freedom and equality before the law are important principles in this regard. According to Art. 15 of the Swiss constitution, everyone has the right to choose freely and practice his or her own religion. Article 8 of the constitution states that cantons must be neutral in confessional matters and may not intervene in favor of one or other religion, but they are allowed to concede a special status to certain religions if there is a reason to do so. In the revisions to cantonal constitutions, the relationship between the state and religious communities is in the process of being examined. The issue of the status that established non-Christian communities should have in the future is vividly debated (Swiss Confederation 2012).

A strong factor in this discussion is the new constitution of 1999, which links the fundamental rights set out in Art. 7–34 with signed international agreements on human rights, namely freedom of opinion and information (Art. 16 of the Federal Constitution, Art. 10 of the ECtHR), the protection of private life and of the family (Art. 13 and Art. 14 of the FC, Art. 8 ECtHR) and the protection of children and young people (Art. 11 of the FC, Convention on the Rights of the Child) (Angst Yilmaz et al. 2006, p. 10).

Human rights are of particular importance for religious minority groups: the principle of non-discrimination guaranteed by the constitution and by international

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<sup>5</sup> The cantons of Geneva and Neuchâtel do not, as mentioned before, recognize their churches as legal entities under public law, but both cantons recognize them under the instrument of public appraisal, in this sense offering material advantages.

law operates as a protection against exclusion and unequal treatment with regard to one's own religious beliefs. This principle also includes indirect discrimination through apparently neutral assignments and operations that may nevertheless be discriminatory towards certain categories of persons.

Another guaranteed right is the freedom of faith, conscience and creed within the framework of the rule of law. In 1993 the Federal Tribunal defined this right (BGE 119 Ia 178) as the "religious testimony of an individual in a self-responsible domain that cannot be touched by the state. This freedom concerns not only Christian beliefs and religious groups, but all religions, independently of their numerical distribution" (translated by the author). Islam is explicitly included in this interpretation of fundamental rights, under the condition that religious behavior is a matter of expressions of religious beliefs.

Apart from these fundamental rights and the signed agreements in international law, penal, private and administrative law also protect from discrimination. The criminal provisions against racism (Art. 261 of the Penal Law) and the prohibition on disturbing freedom of faith and belief penalize discrimination against and the defamation of religions. But the protection of personal rights in private law also guarantees all individuals the right to be protected from discrimination, defamation or racism, regardless of religious affiliation (Angst Yilmaz et al. 2006, pp. 10–12).

In spite of these institutional and legal protections, in public discourses there are several aspects that problematize persons of Muslim faith that are needed to make legal judgments. It is obvious that the disputes are connected with the visibility of aspects of Islam in the public space. One of the most intensely debated questions was the Islamic headscarf. This proceeded differently than in France, where the debate started in 1989 and culminated in 2004 in the judicial prohibition on wearing religious symbols in public schools. In Switzerland, the question mainly revolved around teachers wearing headscarves. Pupils are usually allowed to wear headscarves except in Neuchâtel and Grenchen. This practice has found support at the Federal Tribunal in Lausanne (BGE 123 I 296) and the European Court of Human Rights in Strasbourg (judgment 42393/98 of 15 February 2001).

Many other debates touch on education as a central pillar of the secular state. Religious education in public schools is one of these. Like other religions, Muslim parents were asking that their children be permitted to follow such an education within the school. It is still an ongoing argument to what extent public schools should support Muslim education financially in their structures. Again, a disagreement has arisen between the secular state and respect for religious heritage. Constitutional liberties are balanced with the idea of a school as a religiously neutral space. This also touches on Christian issues: in 2010 a teacher in the Catholic canton of Valais removed a crucifix in the classroom since it offended his view

of state neutrality with regard to religion. A further aspect that repeatedly causes conflicts is the demand by Muslim parents that their children be exempted from mixed-sex swimming lessons. The legal practice of the Federal Tribunal regarding this demand converges with the public debate on migration issues. In a ruling of 1993, the refusal of the canton of Zurich to dispense school girls from swimming lessons was judged by the Supreme Court to be a violation of religious freedom, following the argument of a girl's father that Islamic belief bans mixed-sex swimming. In 2008 the Federal Tribunal changed its mind and refused to accept an appeal against the school authorities of the canton of Schaffhausen and their decision to force a boy to attend mixed-sex swimming lessons. The Supreme Court relied on the argument that the obligation to go to school also included mixed participation in sports, since this contributed to ensuring equal opportunities for all children, respect for equality between the sexes, and the integration of foreign cultures and religions in Switzerland. Attempts to integrate culturally different young people therefore have a priority over individual claim to religious freedom. The Federal Tribunal confirmed this practice in a further judgment with regard to a similar case in Basel-Stadt on 7 March 2012 (Swiss Confederation 2012, p. 48).

Another subject that is intensively debated affects cemeteries. According to Gianni (2010), in several cantons, cities and municipalities Muslim organizations have asked to establish Muslim cemeteries or separate Muslim sections on public cemeteries in order to bury their dead according to Islamic rites, since the direction of the graves, the eternal silence, the shroud instead of the coffin and separation from other religions are central to this understanding of their faith. The last claim in particular caused strong reactions in public opinion, since it was read as a frontal attack on the secularist principle of equality when faced with death (Richner 2006). After long debates, the authorities in a number of cities (Neuchâtel, Zurich, Geneva, Basel and Berne) decided to change the laws and cemetery regulations in order to meet the demands of the Muslim population.

The production of butchered *halal* meat in Switzerland was another major issue of debate in the early 2000s. According to Swiss law any form of unstunned slaughter is prohibited. The origins of this ban are not only found in notions of animal protection, but deeply connected with anti-Semitic feelings in the second half of the nineteenth century. Anchored in the constitution at that time, it has been included in the Animal Protection Law of 1978. After a hearing was launched in 2001 in order to determine whether this law could be loosened, heavy reactions by animal rights campaigners led the Government to withdraw the bill in order to "keep the religious peace" (Gianni 2010, p. 23).

Another public dispute has been ignited by the question of religious buildings. In a municipality in the canton of Solothurn in 2005, the local Muslim community

applied for permission to build a minaret. Hundreds of complaints against this building immediately reached the authorities, also supported by the local Catholic and Protestant churches. The claimants argued their appeal with reference to the dangers of expanding Islamist fundamentalism, the compromising of religious peace and the impact of such a sacred building on the Christian image of the village. With reference to building regulations and hostile public opinion, in 2006 the authorities rejected an application for a building license for the minaret, even though cantonal legal experts found the building compliant with the regulations for the peripheral commercial area in which the minaret would have been built. It is true that Muslim sacred buildings do exist to a large extent in Switzerland, but only Geneva and Zurich have mosques with minarets. All attempts by Muslim communities to come out of backyards and commercial areas have failed. Therefore, the Turkish Cultural Association, a main applicant of the project to build a minaret, filed a complaint against the decision of the municipality, which was accepted by the cantonal authorities. Shortly afterwards, a committee dominated by party members on the radical right launched an initiative to ban minarets in Switzerland, since, in symbolizing the claim to power of Islam, they are said to question the Swiss constitution and laws. Even though the Federal Government wanted to reject this initiative in a ballot, since it was considered as endangering religious peace and freedom and also undermining the ban on discrimination through its focus on one particular religion, on 29 November 2009 the initiative was accepted by 57.5 % of the voting population. The decision placed Switzerland in the headlines of the world's press. In December 2009 two complainants brought a case against the initiative at the European Court of Human Rights, but this was declared invalid in 2011. In its judgment, the ECtHR argued that the complainants were not directly affected by the ban, since they were not planning to build a minaret. Furthermore it made it clear that Swiss courts would be able to determine whether planning applications were compatible with the human rights conventions. In order to keep the religious peace and discuss the demands of Muslims after this popular decision, and following the example of Germany, the Government launched a "Muslim dialogue".

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### **3 How Academic Scholars Judge the Increase of Religious Diversity**

Walter Kälin, a leading expert on international law at the University of Berne, contested the position on the importance of "cultural distinction", arguing in favor of cultural diversity as a pillar of liberal nation states, but nevertheless stressing the non-negotiable aspects of a liberal legal framework (Kälin 2000). His position won

attention in the first decade of the new century, when cantons and municipalities were formulating their integration guidelines, but it was fiercely contested by radical right-wing parties. For Kälén, states founded on liberal constitutions and the rule of law are obliged to preserve their liberal identities. His analysis assesses different examples of religious and cultural conflicts. Starting from tensions between cultural liberties and equality of rights, Kälén tries to find ways to help migrants integrate the interpretation of how cultural conflicts (confrontations caused by cultural agents such as religion, language or ethnic background) are perceived by the actors involved. The fundamental rights granted by the constitution create the framework within which conflicts are to be regulated. Normatively speaking, these rights define the principles that help to regulate conflicts in modern societies. These principles are the following:

- A state based on the rule of law has to treat each person equally independently of his or her ethnic, religious or other origin (principle of non-discrimination).
- A state has to accept cultural differences if the application of “neutral” rules penalizes and devalues the members of a particular group.
- The state has the right to exempt people from certain duties if this helps to promote their integration into institutions without compromising their functioning.
- The state has to apply the rule that religious freedom, freedom of education of the parents, marriage and the raising of families are also valid for minorities.
- The limits of tolerance are met when certain forms of behavior are forbidden by international private law (e.g. forced marriages), when adults submit themselves to practices that are harming to their physical and psychical identities, or when the well-being of a child is in danger.
- The country of immigration can impose respect for its *ordre public* (e.g., the central values of its own judicial order) on all inhabitants. But a state must keep in mind the effects of any such imposition. It should be reluctant to place already discriminated persons in a more marginal position (e.g., the children of polygamous marriages).

According to Kälén’s judicial theory, these principles constitute the fundamental rules for coexistence in immigration societies. Often cultural rationalizations are taken into consideration in order to explain conflicts. But it is necessary to find an equilibrium between particular interests, the principle of equality and respect for one’s own pursuit of happiness. Principles based on the constitution and on international law should be able to enforce social cohesion without resorting to assimilation, which on its own is a tool that creates difference. Kälén’s judicial

theory converged with a wave of liberalization in the period from the end of the 1990s to the mid-2000s, but in the following years the focus on integration changed, with greater efforts being explicitly expected from migrants to assimilate, and this also changed the framework for Muslims, as earlier sections have revealed.

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## **4 How Immigration and Integration into Switzerland have Shaped and Challenged Islam**

The diverse controversies led the different Muslim communities to claim what were mainly civil rights and liberties. Their main interest is in interpreting and adapting to Swiss laws and in formulating viable compromises, as Gianni (2010) argues in his social profile of Muslims in Switzerland, in order to allow them to live their Islam more easily and smoothly. Obviously, there is no such thing as ‘the’ Muslims in Switzerland. They originate from many different countries, with different traditions of practicing Islam, as described above. There are different religious exegeses from traditional to popular Islam, from mysticism to modernism, allowing Muslims of Turkish, Albanian, Near Eastern or Maghrebi origins to interpret their religion with great variation. Even social and economic status plays an important role in shaping religious practice.

Muslims in Switzerland do not practice their religion any more intensely than non-Muslims. According to the estimate of the Federal Commission on Migration (CFM), only 10–15 % of Muslims in Switzerland practice their faith (Gianni 2010, p. 14). Those who do not are not interested in religious questions, but live their religion as an aspect of their “culture”, searching for orientation in moments of crisis. Therefore, the greater part of Muslims in Switzerland are only nominally Muslims, but although non-practicing, this does not mean that they do not believe. Some therefore call them “cultural Muslims” or “Muslims by origin”. Many of them regard the practice of their religion as a private affair and reject any form of collective project, not seeing themselves as represented by Islamic associations or spokespersons of “Swiss Islam”. In the regular media coverage and in political debates, those secular Muslims who do not practice or who see practice as a private affair are invisible and go unnoticed. Thus, the public image is dominated by orthodox and conservative, even violent and extremist religious groups, which presents problems for many Muslims in Switzerland.

According to the Federal Office for Migration, the estimate of actively practicing Muslims amounts to 50,000 individuals, but only half of them are members of Muslim organizations (Swiss Confederation 2012, p. 25). More than 80 % follow their religion pragmatically and in accordance with Swiss law. They see themselves

as (future) citizens of the country, and Islam is only one of many different identities they share. A small minority has a strict sense of practice and follows fundamentalist exegeses. Strictly speaking, to practice the religion in a fundamental way does not imply linking it to political issues. But there are Islamist movements, as the Salafists, that reject any modern interpretation of Islam. A prominent actor in trying to enforce Islamist or Salafist values in its community, arguing for sexual segregation and the veiling of women, is the Islamic Central Council (Islamischer Zentralrat Schweiz IZRS), founded in 2009 and led mostly by converts.

The exact number of Islamic associations in Switzerland is not known. Federal estimates give figures of 240 local Islamic prayer associations and 60 associations without any religious infrastructure. Many of these associations not only have religious goals, they are used as meeting points and places of communication for persons of the same linguistic and cultural background. Finally, the authorities also count ten cantonal umbrella organizations and around 30 national organizations. In particular, associations bringing together people from Arab countries and Turkey are over-represented, whereas Muslims from the Balkans are less organized. Young people in particular do not organize around mosques, but create new structures that go beyond ethnic boundaries (Swiss Confederation 2012, p. 23). Many of them perceive themselves as Swiss Muslims and speak to each other in one of the local languages.

There have been several attempts to found national umbrella organizations in order to lobby better for Muslims in Switzerland. In particular the voting on the banning of minarets has shown how badly Muslims are organized at the national level. Therefore, as early as 2000 the Coordination of Islamic Organizations Switzerland (KIOS) was founded, followed in 2006 by the Federation of Islamic Umbrella Organizations (FIDS). But because of the extreme fragmentation of the Muslim communities, there is no national umbrella organization that can make demands in the name of most the Muslim residents in Switzerland (Swiss Confederation 2012, p. 24).

The Federal Commission for Migration has therefore sought to determine the perceptions that Muslims in Switzerland have of themselves (Gianni 2010). One of the important questions has been concerned with the identity of being Muslim. For a minority group, this is an issue that has to be lived according to the words of the Koran, whereas others interpret the faith contextually and are trying to accommodate their religion to the local Swiss way of life, hence treating its content flexibly. In this sense, interpretations of religious dress codes, particularly when it comes to headscarfs or veils, are malleable, being for certain people a requirement in order to prove their religiosity, while for others they are options going beyond traditional references. In general, many Muslims are satisfied with the liberties they



enjoy in Switzerland, which allow them to live their religion under conditions of tolerance. Particular problems are seen in the perceptions others have of them and the prejudices with which Muslims are confronted in public arenas. Many suffer discrimination in situations where their belief is visible through their dress. Such discrimination may have increased since the Islamist attacks in the United States in 2001. Muslims suffer in particular in certain media representations, which depict their religion as backward and as not able to cope with modernity.

The integration of Muslims is seen in the CFM study as having been largely successful, even though many Muslims think that the basis of their creed should be better known to outsiders. Many suffer from implicit and even explicit expectations to assimilate, even when official public discourse seems to be focused on integration. Others can understand that the local population may have difficulties in accepting other religions they are not used to. But there are also conflicts within the communities that address issues of loyalty and identity. What follows are demarcations from certain religious behaviors and creeds. What seems observable is that Muslims define themselves in opposition to how they do not want to be perceived, not through positive elements in line with their own heritage.

A remarkable finding concerns respectable attitudes towards the values of citizenship (see Gianni 2010). Muslims do not perceive this civic instrument as an opportunity to compete for more public attention and to make claims. They interpret citizenship more pragmatically in order to gain mobility rights in Europe, be protected from rules in Muslim countries and suffer less discrimination on the job market. They give themselves a lower profile in order not to receive too much attention, and they respect the ruling order. According to Gianni (2010), Muslims in Switzerland do not interpret their presence and citizenship politically, which contrasts with general fears in the Swiss population that Islam could be politicized in the near future. Their preoccupations are addressed rather in winning recognition from other communities and Swiss institutions. What is also missing, according the cited study, is the robust self-confidence that they can contribute to making Switzerland their own country and find better solutions for the coexistence of Islam in Switzerland.

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## 5 Discussion and Theoretical Explanation

In modern plural societies, the quest for recognition is the fundamental engine that establishes democratic institutions, allowing them to combine, according to Honneth (1996), liberty and diversity. If societies are marked by non-reducible differences, they have to agree on processes of finding solutions if they do not want to be subjected by a Hobbesian state. These processes must take into considera-

tion democratic and consensual decision-making if they want to foster legitimacy. According to Honneth, it is just this historical struggle for recognition that offers the key to understanding the dynamics of modernization through the expansion of democratic liberties and the pacification of their inherent conflicts. Social change starts on the individual level since individuals must accept each other's identities and search for commonalities.

These convergences can be systematized differently, as has been done by Axel Honneth (1996) and Charles Taylor et al. (1992). Honneth sees the struggles for recognition as resulting in the establishment of a judicial system that addresses and safeguards individual rights. Important to him in particular is protection from the state and from society and their potential to force individuals to follow a precise way of life. In contrast, Taylor argues more in relation to the protection of collective rights. Following Honneth, values are always attributed individually, even if they are passed by collective cultural norms. Recognition can be regarded as a sense of emotional and cognitive respect, an expression of social esteem. Rights have to be determined individually, though collectivities may also profit from being thus granted. If religious freedom is defined as an individual right, this may also strengthen religious communities that claim such liberties. Taylor is more focused on recognizing group rights, aiming to expand the democratic polity. For him, strengthening only individual rights may lead minorities to assimilate to the mainstream. Only group rights and their protection by the state may prevent minorities from a lack of respect as different and help them maintain their particularities through the recognition of their cultural heritage and reality. The struggle for recognition aims at equal treatment and at political power being conferred on to the minority by the majority. In this reading the claim for recognition does not mean insulating the group, but searching for a common ambitious project to establish a plural society. In this sense, recognizing new groups is, according to Taylor, a step in the process of democratizing societies that have lost their former centers.

The juridification of religious differences is one response to the struggle for recognition in modern societies, an indication of their democratization and pluralization and their search for a decent form of cohabitation between different ways of life. As other countries, Switzerland has recently been affected by the above-mentioned debates. Some observers believe that the existing legal framework is sufficient for the accommodation of Islam in this respect and that liberal democracies should be able to integrate new religious communities on the basis of their constitutional principles (see, for example, Kälin 2000), whereas others argue that the institutional setting is not sufficient and that "certain collective provisions will be necessary in the near future, in order to satisfy minority demands" (Pfaff-Czarnecka 1998, 1999).

In recent years, Muslims in Switzerland have increasingly tried to escape from religious and spiritual anonymity and invisibility, mobilizing to acquire more rights and participation in the public sphere. But they have also been visualized and stigmatized as Muslims in public disputes through arguments that focus on the religious aspects of their identity. Therefore, the judicial and political levels of the public authorities have been challenged in establishing a working relationship between the state and the new religious communities.

Specific historical traditions may explain why and how Muslims are included or excluded in Switzerland. This neo-institutionalist perspective has become dominant in the field of immigrant policy analysis in recent years, with a variety of scholars insisting on variables such as the specific institutional setting, the political culture and the historical traditions of a nation state as an explanation for policies towards immigrants (Brubaker 1999; Castles 1999; Schiffauer 1997). As mentioned above, in Switzerland different forms of recognition coexist due to the federal constitution, which allows the cantons to handle the issue according to their own historical legacies. The forms involved vary from state churches to public legal recognition of religious communities to forms of recognition under private law and a *modus vivendi* in which the state is not implicated. Therefore, there is no such thing as a unitary approach to Muslims in Switzerland. Relations are fragmented according to the opportunity structures provided by the institutional and political settings of the different cantons. Their models may vary between recognition under public law and the enhancing of a complete separation between religion and the state. But after the failures of two political initiatives that favored this separation—in 1980 at the federal level and in 1995 in the canton of Zurich—recognized religious communities can rely on a strong consensus among the Swiss electorate.

New religious communities have to cope with tensions in the Swiss institutional framework, since they are not all treated equally in the different cantons. Whereas at the federal level equality before the law is anchored in the constitution, the act of recognition is conferred on the sovereignty of the cantons. But under Swiss jurisdiction too, only similar cases have to be treated equally, otherwise they can be treated differently (Cattacin et al. 2003). Therefore, unequal treatment may be legitimized through differences that can be argued to be essential. According to the Federal Tribunal, judgments depend on the ruling assumptions of a given period, which may vary according to time. In the Swiss judicial literature, legitimate reasons for discrimination may be argued historically (Islam is not as historically linked to Switzerland as the Christian and Jewish communities), by size (which would not be an argument with regard to Muslims, since they outnumber Jews and Christian Catholics), degree of organization and internal structure. The latter is relevant because it refers to the capacity of a religious organization to enforce a binding decision, a capacity that is notoriously missing in Muslim communities due to their internal divisions.

Therefore, the debate in Switzerland is far from having reached the point at which an Islamic community must be recognized by a cantonal public body, even if all agree that human rights should be respected at the individual level. The relevant discussions turn on issues such as integration, anti-discrimination and the “Muslim dialogue” (Swiss Confederation 2012, p. 87).

The dispute over integration has strongly influenced relations with the Muslim communities. It is common sense that in cases of conflicts integration should prevail. This perspective is also shared by recent decisions of the Federal Tribunal, which, as already mentioned, has overturned earlier decisions and supported the refusal of the Cantonal Court of Schaffhausen to dispense Muslim boys from swimming, reasoning that swimming classes made a contribution to gender equality and integration within Swiss society, which had to be regarded as being a higher principle than individual claims to religious freedom. This new jurisdiction has been reconfirmed and has so far underlined the importance given nowadays in Switzerland to civic integration as the new framework for securing cohesion, thus bypassing former concepts of individual religious freedoms as formulated by human rights lawyers like Walter Kälin.

The whole debate on the efforts to integrate that immigrants are expected to make has been enhanced by a return to the theme of the necessity to strengthen protection against discrimination. But the federal government is not in favor of a general anti-discrimination law, believing instead that the existing anti-racism legislation in the penal code and the protection granted by international law are already adequate, though they should be enforced better. But since one third of Muslims in Switzerland are Swiss citizens, the issue of protecting individuals from discrimination independently of their religious affiliation becomes a central task in this respect.

The anti-minaret initiative mentioned earlier, which was accepted by a majority of the Swiss population in November 2009, reintroducing a restriction on religious communities in the constitution, also received international attention. People who hardly practiced their religion were broadly challenged with regard to their integration in Swiss society and placed on the same level as the minority of orthodox Muslims. The general impression was that the Muslim communities were not actively lobbying against the voting, even if some individual actors were very much involved. This is why the administration reactivated a so-called Muslim dialogue in workshops between state officials and selected representatives of the Muslim community in order to discuss themes of common interest that can foster cohabitation between the communities. For the Swiss administration the issues of equality, the rule of law and democracy as a framework are explicitly mentioned. For the Muslims, the recognition of Muslim communities, the better communication of their claims, the

training of imams and services in schools and the military were the issues proposed by their representatives. Since 2012, different platforms at the local, cantonal and regional levels have been installed. But it remains an open question whether such an administered dialogue in an institutionally fragmented country may help foster the progress and rights of a new religious minority in the whole of Switzerland.

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# Muslims in the UK

Paul Weller and Sariya Cheruvallil-Contractor

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## 1 Introduction

Muslims in the United Kingdom (UK) are diverse and heterogeneous and include different ethnicities, ‘races’, classes and identities. Britain’s colonial history (including in Muslim majority lands), years of migration, and the growth of indigenous white Muslim communities has meant that the British Muslim population is a mosaic of the global Muslim *ummah*. Therefore the questions that logically precede the writing of this chapter, namely: ‘who is a British Muslim?’ or ‘what does it mean to be a Muslim in Britain,’ are necessarily complex ones which require nuanced and detailed answers, but which inevitably entail the privileging of particular aspects of these groups—their ‘Muslimness’, as well as to a certain extent, their ‘Britishness’—from within the multiple identifications to which they may subscribe (see also Gilliat-Ray 2010).

For many Muslims living in Britain, the identity label of Muslim coexists with others that denote, for example, their national belonging (British, Scottish, Welsh or Irish); their own or their ancestral national and ethnic origins (South Asia, Middle East, Africa or South East Asia); their ‘race’, gender, political leanings, specific forms of Islamic belief (Sunni or Shi’a, Barelwi or Deobandi); and the

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extent of their religious practice (practicing, believing, non-practicing, cultural or non-religious).

In this chapter we examine these diversities, and track the development of British Muslim communities over the last century as these have evolved from fairly localized populations of individuals; through emergent groupings of mostly working-class migrant workers who harboured what Anwar called the ‘myth’ of returning home (Anwar 1979); and into visible, empowered and politically-active citizens of the UK. In doing so we always emphasize plurality: within the British Muslim population and also in its relationships with the wider plural British society. To begin we provide a statistical commentary on the Muslim population in Britain based on statistics from the 2001 and 2011 national census surveys in Britain.

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## 2 Muslims in Britain: Population Profile

Muslims and Islam form a substantial part of the UK’s ‘three dimensional’ (Weller 2005 p. 73) religion and belief landscape composed of the Christian, secular and religiously plural inheritances and contemporary populations of the UK. According to data from the 2001 Census, self-identifying Muslims in the UK amounted to 1,591,126 people, being about 2.7 % of the total UK population at the time, and forming the largest religious minority.

The recently published results of the 2011 censuses in England and Wales, in Scotland and in Northern Ireland confirm Muslims as continuing to form the largest religious minority in each of the countries of the UK, albeit with a smaller population than those who identify as being of ‘no religion’, as well as compared to those who identify as Christians. The religion questions as asked in Northern Ireland and in Scotland were differently worded than those for England and Wales,<sup>1</sup> and therefore aggregated data for the UK as a whole, such as that presented in Table 1, needs to be treated with caution.

However, in 2011, taking the UK data as a whole, those self-identifying as Muslims in 2011 amount to 2,786,635, being now 4.4 % of the population of the UK’s population. In England and Wales, when taken together, the Muslim population has grown from 1,546,626 (3 % of the population of England and Wales) in 2001 to 2,706,066 (4.8 % of the population as a whole) in 2011. Of these, 1,278,283 (47.2 %) were born in the UK, while 52.8 % were born outside of Europe; 1,409,290 are male and 1,296,776 are female.

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<sup>1</sup> In Scotland and in Northern Ireland, the Census question asked ‘What religion, religious denomination or body do you belong to?’ while in England and in Wales, the question asked only ‘What is your religion?’

**Table 1** Religion and belief in the UK. (Source: 2011 Censuses in England and Wales, Scotland and Northern Ireland)

	England		Wales		Scotland		Northern Ireland		United Kingdom	
	Number	%	Number	%	Number	%	Number	%	Number	%
Christians	31,479,876	59.4	1,763,299	57.6	2,850,199	53.8	1,490,588	82.3	37,583,962	59.5
Muslims	2,660,116	5.0	45,950	1.5	76,737	1.4	3,832	0.21	2,786,635	4.4
Hindus	806,199	1.5	10,434	0.3	16,379	0.3	2,382	0.13	835,394	1.3
Sikhs	420,196	0.8	2,962	0.1	9,055	0.2	216	0.01	432,429	0.7
Jews	261,282	0.5	2,064	0.1	5,887	0.1	335	0.02	269,568	0.4
Buddhists	238,626	0.5	9,117	0.3	12,795	0.2	1,046	0.06	261,584	0.4
Other religion	227,825	0.4	12,705	0.4	15,196	0.3	7,048	0.39	262,774	0.4
<i>Total other than Christian religion</i>	<i>4,614,244</i>	<i>8.7</i>	<i>83,232</i>	<i>2.7</i>	<i>136,049</i>	<i>2.5</i>	<i>14,859</i>	<i>0.8</i>	<i>4,848,384</i>	<i>7.6</i>
No religion	13,114,232	24.7	982,997	32.1	1,941,116	36.7	183,164	10.1	16,221,509	25.7
Religion not stated	3,804,104	7.2	233,928	7.6	368,039	7.0	122,252	6.8	4,528,323	7.2
<i>Total No religion and Religion not stated</i>	<i>16,918,336</i>	<i>31.9</i>	<i>1,216,925</i>	<i>39.7</i>	<i>2,309,155</i>	<i>43.7</i>	<i>305,416</i>	<i>16.9</i>	<i>20,749,832</i>	<i>32.9</i>
Total population	53,012,456	100.0	3,063,456	100.0	5,295,403	100.0	1,810,863	100.0	63,182,178	100.0

Sources: For England and Wales: 2011 Census: KS209EW Religion, local authorities in England and Wales ons.gov.uk; for Scotland: Scotland's Census 2011: Table KS209SCa scotlandcensus.gov.uk; and for Northern Ireland: Census 2011: Religion: KS211NI (administrative geographies) nisra.gov.uk and Census 2011: Religion—Full Detail: QS218NI—Northern Ireland nisra.gov



**Table 2** Muslims in England and Wales by age. (Source: 2011 Censuses in England and Wales, Scotland and Northern Ireland; <http://www.nomisweb.co.uk/census/2011/lc2107ew>)

Age	Numbers in 2011	Percentages in 2011
0–15	895,137	33.1
16–24	414,245	15.3
25–34	543,783	20.1
35–49	526,286	19.4
50–64	219,789	8.1
65–74	67,199	2.5
75 and over	39,627	1.5
All categories: age	2,706,066	100.00

In Scotland, in 2011, the results show 76,737 Muslims (or 1.4 % of the Scottish population) as compared with 42,557 (or 0.8 %) in 2001, while in what is the least religiously diverse part of the UK (namely Northern Ireland) the results for 2011 show 3,832 Muslims (or 0.21 % of the Northern Irish population) as compared with 1,943 (or 0.11 %) in 2001. In Northern Ireland, 2993 of these Muslims are male and 1,539 female.<sup>2</sup>

In each of the countries of the UK for which the Census results for 2011 are currently available, over the last decade there has therefore been a substantial rise (of 43 % in England; of 53 % in Wales; of 79 % in Scotland; and of 49 % in Northern Ireland) in the Muslim population. This has occurred partially as a result of continued migration and refugee movements, as well as due to individuals from other than Muslim family backgrounds adopting Islam as their religion. At the same time, the population “shape” of Muslims in the UK is a disproportionately young one (see Table 2 for the example of England and Wales) compared with other religious groups, meaning that much of the Muslim population growth has come about through natural reproduction on the part of young Muslims.

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### 3 Historical Roots of Muslims in Britain

The roots of these now large and diverse Muslim communities go back to the emergence of the country’s maritime empire. The earliest recorded Muslim presence in around the seventeenth century was not of what could be described as a “community”, but of individuals and of small and geographically scattered groups of

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<sup>2</sup> The breakdown of religion data by gender in Scotland was not available at the time of writing the chapter.

people. In comparative terms, this history is a relatively hidden one that is only more recently and painstakingly being reconstructed. This is because standard histories of the period tell us very little about the religious identity or practices of such minorities. Nevertheless, as reflected in the title of Rosina Visram's book, *Ayahs, Lascars and Princes* (1986) the first South Asian visitors to, and settlers in, England (among whom numbered Muslims) fell into those categories.

At this stage of its development, the Muslim presence was closely linked with the development of the British Empire, just as the later growth of the Muslim presence was linked with its end. Having a pivotal role at the beginning was the East India Company, which had been founded in 1599 by a number of London merchants and, in 1600, had received from Queen Elizabeth I its Charter for monopoly trade with India and the East, sending its first ships to India in 1607.<sup>3</sup> In an essay in Michael Fisher, Shompa Lahiri and Shinder Thandi's book, *A South Asian History of Britain: Four Centuries of Peoples from the Indian Subcontinent* (2007, p. 21), Fisher noted that until the 1750s, seamen and servants in England were "numbering in the hundreds".

Among Muslims, the most significant group were the so-called 'lascars' (from *lashkar*, a group of armed men). These were a maritime labour gang, the majority of whom were Muslims from Bengal who undercut the wages normally paid to white seamen to carry out dirty jobs in ships of the British Merchant Navy. They came mainly from the Noakali and Chittagong districts. Sylhetis, in particular, came to almost monopolise the job of 'fire stokers' and also became established among the dockside 'brokers' of Calcutta, in turn recruiting their own relatives and villagers to the extent that even much later migration from Sylhet followed patterns that were concentrated in so-called 'Londoni villages'.

In relation to those of South Asian origin (including Muslims) who settled in Britain in this early period, Visram's incisive evaluation of the situation was that: "Whatever their profession and their contribution to British society, and despite their small numbers, their experiences of British society were in one important respect similar. Racial prejudice, indifference or at times grudging acceptance characterized their presence" (Visram 1986, p. 75). Nevertheless, despite these experiences, when in dock many lascars slipped ashore to seek accommodation and work and a number of them also started to marry local women (Adams 1987). After the opening of the Suez Canal in 1869, similar developments occurred among seamen recruited through Aden, the wider Middle East and from Africa—especially from the Yemen and Somalia (Halliday 1992). This led to the formation, initially

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<sup>3</sup> The 1757 Battle of Plassey in Bengal, where Siraj-ud-Daula, the ruler of Bengal was defeated made the Company de facto ruler of Bengal and accelerated this process.

on a quite localised basis in the seaports of Liverpool, South Shields, Cardiff and in the East End of London, of what might be called ‘incipient Muslim communities’.

The first purpose-built mosque built in England was opened in Woking in 1889.<sup>4</sup> In addition to catering for Muslim dignitaries, including the Princess Nawab Sultan Jahan Begam (1838–1901) (Lambert-Hurley 2007) of Bhopal who funded it, this mosque also hosted an early community of British converts to Islam. Two other significant figures associated with this mosque included Rowland Allanson-Winn, the fifth Baron Headley (1855–1935), who established the British Muslim Society in 1914, and Muhammad Marmaduke Pickthall (1875–1936) whose translation of the Qur’an into English is well known and much acclaimed as being among earliest translations that was undertaken by a practicing Muslim and which therefore represents an interpretation by a believer rather than a translation undertaken purely for external academic purposes. Another key individual to be mentioned in the context of the role of translations of the Qur’an into English within the overall development Islam in the UK, is Abdullah Yusuf Ali (1872–1953) who was an Indian Muslim who lived in Britain and became a translator of what is now perhaps the most widely read English translation of the Qur’an.

Following the building of the Woking mosque, the historian John Wolffe (1993) notes that, “A number of *zawiyas* (small mosques in the Sufi tradition) were set up around the turn of the century”, although following the First World War a number of these ceased to function. For many years the chair of Woking mosque was Inayat Khan (1882–1927)—a descendent of Tipu Sultan, the Tiger of Mysore in India. Khan came to live in London in 1914 and also campaigned for the establishment of a mosque in central London, which eventually led to the building of what is today the Regent’s Park Mosque which continues to play a prominent role in life of the capital city.

Another Muslim individual to make a significant impact on British public life was Ameer Ali (1849–1928), who was the first Indian to become a Privy Councillor. After having, in 1877, set up the first Muslim organization in India (the National Muhammadan Association), on his retirement in 1904 he settled in England. During this period, in 1906, he helped to establish the All-India Muslim League which, in 1908, set up a branch in London of which Ameer Ali became President.

Individuals such as Inayat Khan and Ameer Ali and the wider developments associated with them, underline the critical importance of the continued interplay between Empire and the establishment of early Muslim institutions in Britain. This was reinforced when, following the First World War, there was further settlement by Muslims who had been demobilised from military service in the British Imperial

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<sup>4</sup> See *Illustrated London News*, 9 November, 1889, pp. 590–591.

armed forces. At the same time, there were also a small number of early indigenous adopters of Islam, one of the most famous of which was William Henry Quilliam (1856–1932), a prominent Liverpool lawyer who embraced Islam in 1887.

Some histories note that the first mosque opened in Britain was actually a house mosque—the Liverpool Muslim Institute—established by Quilliam in a residential property in Liverpool in 1889. Before its closure in 1908, like the Woking Mosque, the Liverpool Muslim Institute became a centre for visiting dignitaries, Islamic study circles and talks. But this early difference between the Liverpool Muslim Institute’s ‘adapted’ building and the purpose-built Woking mosque, continues to be reflected in contemporary British Muslim communities. Most small and/or new communities set up mosques in converted residential properties. As communities grow and prosper, features may be added to the mosque such as a minaret or a dome. As the community matures, enough funds may be gathered to construct a ‘purpose-built’ mosque which has all the facilities for Muslim community life.

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## 4 Labour Migration of Muslims of South Asian Origins

Turning now to the more recent developmental histories of the British Muslim population, it was only following the shortage of labour in the aftermath of the Second World War that the size of the Muslim population of Britain began to grow in a significant way. In the 1950s and 1960s migrant workers were recruited from the Indo-Pakistani subcontinent to take up employment opportunities in mills and factories. This was followed in the 1970s, when Africanisation policies in the newly independent African states saw the arrival from Kenya and Uganda of a large number of Muslims of South Asian ethnic origins who, as British subjects of former countries of the Empire, had the right of entry, work and settlement in the UK. This period (during which significant populations of South Asian Hindus and Sikhs also settled in the UK) was brought to a close through the introduction—from the *Commonwealth Immigrants Act*, 1962 onwards—of ever tighter immigration controls and the introduction of the *British Nationality Act*, 1981 which replaced the historic status of being a subject of the Crown throughout the British Empire, and later Commonwealth, with that of citizenship.

In more recent years, migrant and refugee Muslim arrivals have been more diverse, including especially from parts of Africa, and from Bosnia in Europe. In the London area there is also a significant Turkish Muslim population. But despite this diversification of national and ethnic origins, the majority of Muslims (67.65%) in the UK continue to have ancestral roots in the Indo-Pakistani subcontinent

**Table 3** Muslims in England and Wales by ethnicity. (Source: 2011 Censuses in England and Wales, Scotland and Northern Ireland)

Ethnic group	Numbers in 2011	Percentages in 2011
<i>White: total</i>	<i>210,620</i>	<i>7.9</i>
White: English/Welsh/Scottish/Northern Irish/British	77,272	2.9
White: Irish	1,914	0.1
White: other white	131,434	4.9
Mixed/multiple ethnic group	102,582	3.8
Asian/Asian British	1,830,560	67.6
Black/African/Caribbean/Black British	272,015	10.0
Other ethnic group	290,289	10.7
<i>Total all</i>	<i>2,706,066</i>	<i>100.00</i>

Source: <http://www.nomisweb.co.uk/census/2011/lc2201ew>

(see Table 3). White, indigenous Muslim ‘convert’/‘revert’ communities continue to grow but these communities remain scattered and a relatively small proportion of British Muslim communities, a notable exception being the city of Norwich in the East of England which has a large convert community with its own mosque. Black and African/Caribbean communities account for around 10 % of the Muslim population in Britain and include an increasing number of ‘converts’ (Reddie 2009).

## 5 Religious Diversity within British Muslim Populations

As a result of the predominance of South Asian ethnicities within the contours of the emerging Muslim population of the UK, the organizational forms of the most public face of Islam in Britain reflect the Islamic ‘tendencies’ or ‘movements’ that are also of Indo-Pakistani-Bangladeshi sub-continental origins: the Barelwi, Deobandi and Tablighi Jamaat movements (of this region) are numerically strong and socially significant (Robinson 1988; Raza 1992). Sufi Orders are also active in most UK towns and cities that have a substantial Muslim presence. Muslim movements are, however, not as organizationally clear-cut as Christian denominations have historically tended to be, and individual Muslims can and do identify themselves with one or more or none of these groupings.

Barelwis follow a more devotional style of Islam and hold in particularly high esteem the teachings of Maulana Ahmad Raza Khan (1856–1921) of Bareilly, Uttar Pradesh, in India who was a member of the Qadiri Sufi order and a widely respected *Mufti* (Jurist) of the Hanafi school of Sunni Islam. The Deobandi movement was founded by Maulana Muhammad Qasim in India and is named after a *darul uloom* (training college) for Indian Muslim religious scholars and was founded in the Indian town of Deoband in 1867. It was originally established to defend and promote a clearly distinct Islamic identity in the context of the non-Islamic influences that flowed from British colonialism.

Doctrinally, the differences between Barelwis and Deobandis are not significant except perhaps in their treatment of the person of the Prophet Muhammad. However years of political and social competition in the sub-continent have exaggerated the differences between these two communities and these tensions have been imported into British contexts. Given the complex relationship between these two communities, and also the general disinterest of younger generations born and brought up in the UK in becoming involved in such tensions, it is not possible accurately to estimate the size of these two communities in the country. However, it may be said that the Deobandis have more centres of learning or *darul ulooms*, while the Barelwis have more mosques.

The Tablighi Jamaat was founded in India in 1927 by Maulana Muhammad Ilyas (1885–1944), who was a Sufi and himself a student of Deoband and therefore this movement can be broadly located within the Deobandi tradition. It usually understands itself as non-political, and has a focus on challenging Muslims more regularly and fervently to practice the ritual aspects of Islam. The Saudi-influenced Salafi-Wahhabi form of puritanical and literalist Islam has a growing presence in British Muslim communities. Finally, Britain has an active Shi'ite community that is based mostly in London and in Birmingham. Among the Shia there are also a variety of religious movements. Those present in Britain include, among the Twelver Shi'ites,<sup>5</sup> the Itna Asheri and the Dawoodi Bohras, and among the Sevener Shi'ites,<sup>6</sup> the Ismailis, among whom are the Nizaris or Agha Khanis.<sup>7</sup>

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<sup>5</sup> The Twelvers take their name from their belief in a succession of 11 further Imams after Ali, the last of whom, Muhammad Al-Muntazar, is believed to be still alive and awaiting command of God to reappear.

<sup>6</sup> The Seveners take their name from their belief in the same first six Imams as the Twelvers, but who thereafter accepted the primacy of Ismail, the older son of the sixth Imam.

<sup>7</sup> The Aga Khanis believe the Aga Khan to be their living Imam.

## 6 Islam in Britain: Shaping and Challenging “Host Country” Institutions

From the 1980s onwards Muslims, in particular, began to raise a range of issues concerned with the accommodation within the wider society of minority religious identity and practice (McDermott and Ahsan 1980). These issues included concerns about patterns of work in relation to the rhythm of daily prayers; observance of the fasting month of Ramadan; the wish of many for publicly funded Muslim faith-based schools; matters of Islamic personal and family law in relation to UK legal systems; the scope of the blasphemy laws as protecting only one religious tradition, that of the established Church of England; and a range of other matters.

It is characteristic of law in the UK that, in comparison with other European countries, it is not based upon a unified code or a written constitution, which the UK does not have. In addition, its legal systems are ones that incorporate the traditions of ‘common law’ as compared with countries that have what might be called a more ‘Roman’ and/or ‘Napoleonic’ system of codified law. These two factors make for a considerable degree of what, from one perspective might be viewed as inconsistency, and from another as adaptability, in matters (among others) concerning the relationships between religion, state and society in what can be described as a ‘four nations state’ (Weller 2005, p. 73). This includes the differing position of the Christian Churches of the Anglican Communion in different parts of the UK, with only the Church of England being established by law, while the Church in Wales, the Episcopal Church of Scotland, and the Church of Ireland are not. But it is precisely also this inconsistency that can open up space for change to occur in terms of governance and religious diversity (Weller 2009), initially in more piecemeal ways that are not thereby seen as being so threatening to an inherited constitutional, legal and social order as may be the case in countries in which constitution, law and social policy are expected to behave in ways that are consequentially consistent with first principles.

In the tradition of ‘common law’, the law develops not only by the passing of statutes, but also by the interpretation and application of the law in ways that become quite context sensitive. Thus ‘case law’ becomes particularly important, and judgements are reached not only by reference to statute but also by comparison with similar, albeit different, cases. As a consequence, the system can accommodate much more evolutionary change. Thus, over the centuries of their existence in the UK since their re-admittance to England during the post-Civil War period of the Commonwealth, Jews and their traditions and practices have been accommodated in law and society, often by way of ‘exemption’ from general requirements and

sometimes by way of special recognition. So also, in a piecemeal way, Muslims (and Sikhs, for example in relation to the wearing of turbans) gradually began to achieve similar adjustments and accommodations. These included, for example, exemptions from general legislation governing the protection of animals at the time of slaughter in order to fulfil religious requirements for animal slaughter, although from an animal rights perspective, controversy has continued around these exemptions.

However, alongside these incremental developments there was a key episode of disruptive conflict that brought the position of Muslims in British polity into highly charged symbolic focus. This was the so-called *Satanic Verses* (Rushdie 1988) controversy of the late 1980s and early 1990s. This, in many ways, marked a watershed as reflected in the title of a book on the controversy by Weller (2008) as having been a ‘mirror for our times’. Until this controversy broke upon an unsuspecting country and world, in many ways the politics of identity and diversity—including for Muslims—had been cast primarily in terms of ‘race’ and ‘ethnicity’. Now, once again, religion came to the fore.

The debates that emerged from *The Satanic Verses* controversy around the common law highlighted, among other things, the fact that the offences of blasphemy and blasphemous libel were, until the post-2000 developments of the human rights and equalities laws, the one aspect of the domestic law in England and Wales, and Scotland that provided any significant protection with regard to people of religious beliefs and commitments. However, at the same time, the public debate and legal cases brought in connection with these laws, underlined the exclusivity of the protection which they afforded to the Christian religion in general and the established Church of England in particular. Thus in the case of *R v. Bow Street Magistrates ex parte Choudhury*, in which the position of the law in relation to blasphemy was tested relative to *The Satanic Verses* controversy, it was confirmed that legal protection from blasphemous libel extended only to Christian sensibilities, a position later endorsed by the Court of Appeal, thus underlining the perception among Muslims of a deeply rooted religious disadvantage and discrimination.

Therefore, in the early 1990s an increasing confluence began to take place between the campaigns for incremental change to accommodate specific aspects of Islam for Muslims in Britain and a more generalised campaign for religious equality. In many ways this can be seen in the activities and the publications of the UK Action Committee on Islamic Affairs (formed in the context and wake of *The Satanic Verses* controversy) and, in particular, its 1993 document on *Muslims and the Law in Multi Faith Britain: The Need for Reform* (UK Action Committee on Islamic Affairs 1993). While, in many ways, taking *The Satanic Verses* controversy as a starting point and continuing to identify previous singular traditional Muslim con-



cerns and issues, this document also began to put such issues and concerns within a broader framework which argued that UK Muslim citizens should, in principle (as was not the case in law at the time in England, Wales and Scotland), be protected from discrimination on the grounds of religion and thus to be able to expect equality not only on grounds related to 'race' and ethnicity, but also of religion. Thus, from the early 1990s onwards, Muslim organizations in particular began to make strong representations that, as citizens, they did not have the protection in law to which Jews and Sikhs could appeal as ethnic groups under the terms of Race Relations law.

As a consequence, Muslims increasingly began to press for the adoption of law prohibiting religious discrimination. Once again the inconsistent pre-existing pattern of law in the 'four nations state', in which religious discrimination law existed in Northern Ireland but not in other parts of the UK, opened up the possibility of pursuing an argument for change even before European Union policy and law required developments of this kind from member states. Thus, from 1992 onwards, in response to representations largely from Muslim organisations, the Commission for Racial Equality tried to collect evidence of cases of religious discrimination. Of the outcomes of this exercise, the Commission reported that: "The overwhelming majority of those who participated in the consultation believed there was a need for legislation outlawing religious discrimination." While the Commission's consultation underlined that Muslims were far from alone in arguing for the introduction of law to protect from religious discrimination, Muslims certainly provided the main impetus for the direction of travel for the introduction of such law until the adoption by the European Council of Directive 2000/78/EC which established a general framework for equal treatment in employment without discrimination on grounds that included 'religion or belief' alongside disability, age and sexual orientation.

In 1997, the Runnymede Trust's report on *Islamophobia: A Challenge for us All* brought the concept of 'Islamophobia' into much wider public awareness and use, including among Muslims themselves. In doing so, it highlighted aspects of what were argued to be the distinctive and particular experience of Muslims and led to these becoming much more part of mainstream public and political debate (Allen 2010). When looking back over the past two decades, it is arguable that through highlighting the inconsistent position of the blasphemy law, Muslims played a significant role that in the end led to the abolition of the common law of blasphemy and its replacement with the *Religious and Racial Hatred Act*, 2006. While it was arguably the UK's membership of the European Union that in the end made it inevitable that law relating to religious discrimination was adopted for England, Wales and Scotland, Muslims undoubtedly played a significant role in the public debate that both preceded the adoption of that law and informed its application. In addition, evidence concerning the Muslim experience (particularly

but not exclusively) of discrimination on the grounds of religion (see Weller et al. 2001, 2004, 2013; Weller 2006) certainly informed the policy context surrounding the introduction of the *Employment (Religion or Belief) Regulations*, 2003.

Finally, in connection with the impact of British Muslim communities on the social frameworks within Britain, it is important to note their contributions to inter-community and inter-faith relations. As the largest religious minority on Britain, and also as in many ways distinctively visible, Muslims have had a role in the development of organisations such as the Christian-Muslim Forum and the Three Faiths Forum which undertake dialogue activities aimed at improving understanding between communities. At the same time, the visibility of Muslims combined with media publicity around acts of terrorism, has led to suspicions and fears of Muslims and Islam in some sections of UK society. For example, in recent years the anti-pluralist rhetoric of far-right political groups such as the BNP (British National Party), the EDL (English Defence League) and in Wales, the WDL (Welsh Defence League) has tended increasingly to focus on British Muslims rather than on ethnic or other religious minorities.

At the same time, the form in which the law finally took shape was different than that for which many had campaigned. First of all, in conformity with the *European Convention on Fundamental Rights and Freedoms*, the new law was concerned not only with discrimination on the grounds of religion, but rather with ‘religion or belief’, including non-religious belief. Secondly, once legislation developed beyond the limited field of employment and vocational training into the more far-reaching provisions of the *Equality Act*, 2006 and the *Equality Act*, 2010, it was within an integrated approach to equalities in what was already now ‘religion or belief’ (and not religion alone) had to take its place alongside other so-called ‘protected characteristics’ of equalities law.

One of the consequences of this has been the emergence of a new set of issues in which the question of which a conflict of rights and the question of whether one set of rights does or should ‘trump’ the others has come to the fore in a series of high profile cases that have gone to the European Court of Human Rights—but which, interestingly, involve Christians rather than Muslims.<sup>8</sup> Thus it can be argued that the campaigning undertaken by Muslims on these issues, and the attention paid to Muslim reported experience of religious discrimination, led to a heightening of awareness of such issues beyond Muslims alone, extending also to include the majority Christian community.

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<sup>8</sup> See *Eweida and Others (Chaplin, Ladele and McFarlane) v. the United Kingdom*, 2013.

## 7 Islam in Britain: Shaping and Challenging Islam

### 7.1 Local Organizing

Before it was able to do so in a stable, confident and credible way at national level, Islam in Britain began first to organize itself at city levels and regional levels. At city level, councils of mosques such as the Bradford Council for Mosques<sup>9</sup> (founded in 1981) began to emerge, while in the English regions a number of ‘umbrella’ bodies began to be organized to represent the interests of Muslims—such as the Federation of Muslim Organisations in Leicestershire (founded in 1983)<sup>10</sup> and the Lancashire Council of Mosques (founded in 1989).<sup>11</sup>

### 7.2 Educational Challenges and Responses

The interface between Muslims and the Education system was one of the first contexts, outside of employment, where Muslims were both challenged by aspects of the wider British society and needed to develop their own responses. At local level this response centred around a mixture of Madrasas, or Qur’anic schools which are usually attached to a mosque and which many Muslim children have attended during the weekends or in the evening after day school. Both boys and girls (usually on separate evenings) attend such lessons where they read and learn sections of the Qur’an which, in turn, necessitates the learning of Arabic. They also learn the rituals and practices of Islam. However, in addition to these more inward facing initiatives, a number of mosques and local Muslim organizations developed supplementary schools to support the learning and development of Muslim children in relation to the mainstream education system. Increasingly, private Muslim day schools were founded to provide a full time educational service for Muslim children (Parker-Jenkins et al. 2005). After a long period of campaigning, a number of Muslim schools eventually gained voluntary aided status within the broader educational system—a status previously enjoyed by schools linked with, especially, the Anglican and Catholic Christian traditions, and to which Jewish schools had also previously secured access. In obtaining wider public funding, the schools also, of course, became subject to broader curriculum and inspection regimes.

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<sup>9</sup> See <http://councilformosques.org.uk/about>.

<sup>10</sup> See <http://www.fmo.org.uk/index.php/about-us>.

<sup>11</sup> See <http://www.lancashiremosques.co.uk/about-us.php>.

Because of the importance of education it is not surprising that among some of the earliest Muslim bodies to develop at a national level were ones to do with education. For example, there was the foundation, in 1978, of the Muslim College in London,<sup>12</sup> which trains imams. Importantly, since as early as 1973 there has been the Islamic Foundation in Leicester,<sup>13</sup> which is an educational, research and training organization that began by producing literature and running courses on Muslim belief and practice for non-Muslim professionals working in a multi-cultural context, but has more recently developed into the Markfield Institute of Higher Education.<sup>14</sup>

Other national initiatives eventually developed such as the 1992 inception of the Muslim Parliament of Great Britain<sup>15</sup> and the foundation of the Islamic Party of Britain<sup>16</sup> (which was launched in 1989, by a group of mainly indigenous followers of Islam with a declared aim to work for a better future for Islam in the UK and for a radical change to economic injustice in society) sought to create social and political vehicles that were led, run and voiced by Muslims and which could represent Muslim concerns to the state and wider society. However, Muslims more generally sought to bring political influence to bear especially through the Labour Party, leading to the election of a significant number of Muslim elected local councilors (see Purdam 2000, 2001).

As the contours of a national Muslim community began to emerge, a number of Muslim media organizations were established including, in 1989, *Muslim News*,<sup>17</sup> *Q-News* and the television station, the *Islam Channel*.<sup>18</sup> Such media have provided an alternative image of Muslims and Islam in comparison with the predominantly negative one found in the mainstream national media. But they also promoted communication among different Muslim groups and the development of issues held in common among Muslims of different national, ethnic and religious movement backgrounds.

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<sup>12</sup> See <http://www.muslimcollege.ac.uk/sample-page/history-of-the-muslim-college>.

<sup>13</sup> See <http://www.islamic-foundation.org.uk/User/AboutUs.aspx>.

<sup>14</sup> See <http://www.mihe.org.uk/index.php>, and for a detailed discussion on the training and development of Muslim Faith Leaders in Britain, please see M. Mukadam et al. (2010).

<sup>15</sup> See <http://www.muslimparliament.org.uk/history.htm>.

<sup>16</sup> See <http://www.islamicparty.com/>.

<sup>17</sup> See <http://www.muslimnews.co.uk/>.

<sup>18</sup> See <http://www.islamchannel.tv/>.

A number of Muslim organizations also aspired to provide a broad representative voice for Muslims of various traditions, movements and ethnic/national groups. For a long time no single organization established itself as a generally accepted and authoritative national council. But among those which sought to play a national role in representing the Muslim community to Government, other public bodies and the media have been such as the Union of Muslim Organizations (founded in 1970); the Muslim Parliament of Great Britain (founded in 1992); and the British Muslim Forum (founded in 2005).

In 1997 the Muslim Council of Britain (MCB)<sup>19</sup> was launched after several years of preparation and consultation. The MCB has evidenced organizational stability and some representational breadth in terms of membership. However, especially since the bombings of the London Transport system in 2005, questions have been raised about the degree to which this body fully represents the broader Muslim community and other bodies (such as the Sufi Muslim Council<sup>20</sup>) have emerged. In 2006 the Mosques and Imams National Advisory Board (MINAB)<sup>21</sup> was set up by a group of Muslim organisations with some support from the British Muslim community to “facilitate good practice in the governance of mosques and improvement of the performance of Imams”.<sup>22</sup>

In addition to organizations that are related to particular movements within Islam, and those which aspire to be more generally representative Muslim ‘umbrella’ organizations, there are a range of groups and organizations that were formed to campaign on specific concerns for the Muslims. For example, the Islamic Society of Britain<sup>23</sup> was formed in 1990 with the aim of projecting Islam’s image in the UK as being not an ‘immigrant religion’, but as a global tradition developing appropriate national traditions, priorities and policies to meet the challenges facing Islam and Muslims in the West. However, probably the most well-known and influential body of this kind to be formed was the previously mentioned UK Action Committee on Islamic Affairs which was formed in 1988 in the wake of *The Satanic Verses* controversy.

In the 1990s, and especially in and around institutions of further and higher education, groups such as Hizb ut-Tahrir<sup>24</sup> attracted a certain following among young

<sup>19</sup> See <http://www.mcb.org.uk/>.

<sup>20</sup> See <http://sufimuslim.homestead.com/>.

<sup>21</sup> See <http://www.minab.org.uk/contactus>.

<sup>22</sup> The MINAB Constitution is accessible at: <http://minab.lmnocouk.netdna-cdn.com/images/stories/Documents/MINAB-Constitution-Standards-012011.pdf>.

<sup>23</sup> See <http://www.isb.org.uk/about/>.

<sup>24</sup> See <http://www.hizb.org.uk/>.

Muslims radicalized by the *Satanic Verses* controversy, the killing of Muslims in Bosnia, and the invasions of Afghanistan and Iraq (Hussain 2007). In many ways this and other similar groups attracted media and other attention that was disproportionate to their overall size and influence. At the same time, they represented a strand of thinking and organizing among Muslims who are oriented towards issues of justice for Muslims and who believe that the way forward for Islam in the world is the establishment of a global Muslim Caliphate.<sup>25</sup>

### 7.3 British Islam, Young People and Identity

Ever since the arrival of large Muslim communities in the UK in the 1960s/1970s, there has been an ongoing debate around assimilation, integration, and multiculturalism, not only, but perhaps especially, in relation to the identity of these newly developed Muslim communities. An example of an early research contribution to this discourse was Eric Butterworth's 1967 comments about "the great cultural differences and the problem of communicating with others outside their group". Such problems of communication were further exacerbated for women in these communities, whose lives were more sheltered than men, who usually did not have even basic English language skills and who may have practiced *purdah*,<sup>26</sup> and which contributed to further separation from the wider society. Butterworth also wrote that in those early days of migration, "it may be emphasized by encouraging the idea that local people want integration on their terms, by which migrants and migrant culture become indistinguishable from that of local people. This may be an accurate interpretation of local opinion" (1967, p. 15).

<sup>25</sup> The caliphate was the ruling institution of the Islamic state. The Caliph was the chief Muslim civil and religious ruler and was regarded as the successor of Muhammad. The Caliphate therefore began with the death of Muhammad and the appointment of the first Caliph Abu Bakr Siddiqi. The term continued to be applied to the rulers of various historical Muslim empires, including by the Ottoman Empire until it was abolished in modern Turkey in 1924. Conceptually the caliphate represents the political unity of the global community of Muslims (the *ummah*), ruled by a single caliph. Thus the re-establishment of the caliphate has become a cause that groups such as Hizb ut-Tahrir aspire to achieve.

<sup>26</sup> The term *purdah* implies seclusion. It refers to various practices designed to protect women from men in traditional Muslim societies, including confining women to the company of other women and close male relatives in their home or in separate female living quarters, veiling, self-effacing mannerisms, and the separation of men and women in public places. These practices reflect both social and religious custom. It is important to distinguish the term *purdah* from the term *hijab*. *Hijab* consist of modesty guidelines for males and females as derived from the Qur'an and the Sunnah. The *hijab* as a concept includes dress code and also behavioural guidelines that Muslim men and women must adhere to. In contemporary society the word *hijab* is used to describe the headscarf worn by Muslim women.

However this debate is not a static one and has been evolving as Muslim communities in Britain have evolved and have become a more ‘settled’ and ‘familiar’ aspect of British society. Thus, in 1987, as a result of her research on the Muslim community in Britain, Danièle Joly wrote about how the community had developed religious resources such as mosques, *madrassas* (or centres for children to acquire religious learning) and also training facilities for *imams* or faith leaders. In commenting about this she concluded that:

They [Muslim communities] are also endeavouring to make a place for themselves within British institutions, in particular the education system. Progress is very slow, but, necessarily, progress there will be. And there are already harbingers that the next generation, when it takes over, will make use of its better knowledge of and participation in British society in order to ensure a place for Islam. (p. 23)

As Muslim communities have negotiated a space for themselves, the attitudes in the wider community British society towards them have also moved. British identity has evolved to create room for Muslim migrants and also migrants from other backgrounds. And both popular and scholarly discourses illustrate the dramatic shift in media constructs and perceptions of migrant identity. Britain today is a mosaic of different cultures, races, ethnicities, religions, values, attitudes and standpoints. It is within this multiplicity that understandings of Britishness seem to be undergoing fundamental changes. As Robins has argued, “Older certainties and hierarchies of British identity have been called into question in a world of dissolving boundaries and disrupted continuities. In a country that it is now a container of African and Asian cultures, the sense of what it is to be British can never again have the old confidence and surety” (1991, p. 40).

Such notions of an inclusive British identity are significant in that they can enable definitions of ‘Britishness’ through a ‘multi-culturally constituted common culture’ which can unite all the different players in the diverse national polity (Uberoi 2007). However the positive evaluation of pluralist models has been far from universal. In his book *The End of Multiculturalism*, McGhee posits that the British relationship with multiculturalism has almost taken an ‘assimilationist’ turn which, rather than accepting inherent and enriching diversities, focuses instead on identifying “norms of acceptability and compulsory values surrounding the responsibilities of citizenship” (2008). Thus on the other side of the summer 2001 northern mill town disturbances involving young Muslims and the seismic shock of the September 11, 2001 attacks on the USA, followed by what Weller has elsewhere called the “social policy shock” (2008 p. 195) of the 7/7 bombings carried out in London by apparently integrated young Muslims from Britain, there has been a move away from earlier forms of multiculturalism. This is reflected in Alexander’s 2007 com-

ments about the 2001 Runnymede Trust commissioned report (The Parekh Report, Parekh 2000) on the future of multi-ethnic Britain: 'Six years on, the ground has shifted subtly but decidedly in political and policy terms away from this pluralist vision of Britain as a multicultural mosaic, and in favour of a reinvigorated and assimilative national project' (Alexander 2007).

At the same time, in relation to Muslims themselves in the UK, research indicates shifts in the identity positions that illustrate the changing social and community contexts and also the growing confidence and social literacy of particularly younger Muslims in Britain. While images and profiles of radicalized Muslims have predominated in the media, recent research published by the Runnymede Trust (which sponsored the previously mentioned ground-breaking report on Islamophobia), and entitled *The New Muslims* (Alexander et al. 2013), has provided a counterbalancing image and narrative both to the more radicalized forms of Islamic identity and the more traditional Muslim identities and groupings having, as outlined earlier in this chapter, origins in the Indo-Pakistan sub-continent.

As mentioned previously, numbers of the migrants who moved to Britain in the 1960s and 1970s may have had issues around communication which could lead to difficulties in contributing to wider British society. Britain was often not a place that they felt to be their home and they harboured desires to return back to their home country. Thus their identities and loyalties were often described as divided. However for those who are second and third generation Muslims, who have grown up in Britain and who have been through the British educational system here, Britain is emphatically home (Cheruvallil-Contractor 2012).

In contrast to their parent's fixed cultural identities, but also over and against racialised constructs of Britishness, these young Muslims are likely to have more a syncretic identity and to have "complex, contextual, relational and provisional ways" (Dwyer 1997) in which to articulate this identity to wider society. For these young Muslims there is no contradiction between being British and Muslim (Anwar 1994). These young people are negotiating an evolving British Muslim culture that is informed by their parents' cultural roots but which is also different from the cultural backgrounds of their parents and which reflects their Britishness. This sentiment is emotively captured in this comment made by a young Muslim woman in research conducted by Cheruvallil-Contractor:

I am a Muslimah and Islam is my religion, just as a Christian woman would practice her religion and she lives in a multicultural society. I see no contradiction whatsoever. I call myself a British Muslimah. I don't see a clash between the two and I don't see why I should choose between the two. These are who I am. They make me who I am. I am British as well as a Muslim. (2012, p. 78)



## 8 Towards a Conclusion

In his book on *Religion and the Law: Religious Liberty in Modern English Law*, the legal scholar St John Robilliard analysed how, during the nineteenth century, non-established Christian groups in England began to secure for themselves a greater participatory space in public life, and how the British state and society gradually began to accommodate that. As St. John Robilliard put it:

The early story of the struggle for religious liberty is one of the sects establishing an identity of their own, with their members being freed from the obligation of supporting a faith that they did not hold. From the struggle for existence, we pass to the struggle for equality. (1984, p. ix)

Robilliard's comments on the way in which Christian minorities gradually opened up a space in the public, social and political life of the country also illuminate aspects of the evolution of Muslim communities in Britain. As with Christian minorities in the nineteenth century, the change towards greater equity for Muslim citizens has not come about passively as a gift from 'above'. Rather, the changes that have allowed Muslim citizens to have a greater role in the UK state and society have at least in large part depended on the outcome of the agency, struggle and engagement of Muslims from 'below' when combined with demographic change; the need for political representation to take account of issues important to Muslims; and reforms of the legal system. Indeed it may be said that, in many ways, these communities are now beginning to move into a yet further stage of development in which, after establishing their existence and struggling for their equality, they must now continue to struggle to maintain, sustain and develop the roles that they have negotiated for themselves in a plural and multicultural Britain.

The opening up of nineteenth century English public life to religious minorities beyond the boundaries of the established Church of England was not about the outcome of a binary relationship between two contested forms of Christianity, or between Christianity and secularity. Rather, it was a much more pluralist development, including the emergence into public life of both Roman Catholic and various forms of Free Church Christians, Jews, atheists and Freethinkers.

So also in contemporary Britain, the creation of space by, and for, Islam and Muslims has been developing in a more complex and pluralist context than that of the dynamic between Christianity and Islam, or Christianity, Islam and the secular alone. Thus, the presence in Britain also of significant numbers of other religious minorities, including Buddhists, Hindus, Jews and Sikhs, means that "Significantly for Britain in its European context" the "'third dimension' of the policy context"

(in other words, that of the country's religious plurality) is "much more clearly marked than in other European countries where public debate still tends to take place within a more 'binary' framework or, where the 'third dimension' intrudes, is almost exclusively identified with Islam and with Muslims" (Weller et al. 2013, p. 231).

At the same time, Muslims remain by far the largest religious minority in Britain and, on occasion, some difficult competitive tensions arise between members of the diverse minority religious traditions. But, in general, this visibly broader religion and belief landscape means that (with the important exception of the media) most of the contestations relating to the diversities of religion and belief occur not solely in terms of questions surrounding Muslims and Islam. Rather, they take place within a broader frame of the challenges and opportunities associated with an increasing religious diversity developing alongside, and in interaction with, the society's predominantly (albeit declining) Christian and (increasing) secular traditions. It is the degree of this diversity which differentiates the relationship between Muslims, the society and the state in the UK from that found in other European countries with substantial Muslim minorities, and which impacts upon the terms within which both societal debates and political and legal developments take shape with regard to religious diversity and the place of Islam and Muslims within that.

Nevertheless, Muslims in Britain as such have achieved positive recognition for their distinctive role and contributions, with many Muslims now being in prominent and visible roles in various aspects of British civil society including politics, academia, sports and journalism. As demonstrated by Cheruvallil-Contractor (2012) for many young Muslims, their hyphenated British-Muslim identity is a reality that seamlessly weaves together both their 'Britishness' and their 'Muslimness'. This balancing act is a new phenomenon that might enable young Muslims to be confident citizens who can overcome challenges posed by forms of extremism both internally and externally. Gradually, as the wider society recognises Muslim contributions, the presence of Muslims and of Islam is increasingly normalised. Symbolic of this was the way in which, following his Olympic long-distance running victories in 2012, the British Muslim athlete Mo Farah was celebrated as a British hero.

This is not to say that all issues of inequality have been resolved. Indeed as noted in recent research by Weller et al. (2013, p. 208), discrimination on the basis of religion or belief and hate crime, including specifically Islamophobic forms, continue to impact negatively on the lives of British Muslims and their relations with the wider society. But through the increased and increasingly normalised opportunities for dialogue and the sharing of cultural values and heritages, it does seem possible that shared and inclusive notions of British and European citizenship can be developed and sustained. So, as Tariq Modood has said, of the Europe of

which Britain is a part, and in a way that applies both to Britain itself and to the wider Europe:

Ultimately we must rethink 'Europe' and its changing nations so that Muslims are not a 'Them' but part of a plural 'Us', not mere sojourners but part of its future (Modood 2005, p. 53).

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